Republic of the Philippines
Department of Education

ORC- 218504

MAY 14 2012

DepEd O R D E R
No. 40 , s. 2012

DEPED CHILD PROTECTION POLICY

To: Undersecretaries
Assistant Secretaries
Bureau Directors
Directors of Services, Centers and Heads of Unit
Regional Secretary, ARMM
Regional Directors
Schools Division/City Superintendents
Chiefs of Divisions
Heads, Public and Private Elementary and Secondary Schools
All Others Concerned

1. For the information and guidance of all concerned, the Department of Education (DepEd) issues the enclosed copy of the Policy and Guidelines on Protecting Children in School from Abuse, Violence, Exploitation, Discrimination, Bullying and Other Forms of Abuse entitled **"DepEd Child Protection Policy."**

2. Pursuant to Section 26 thereof, this DepEd Order shall take effect immediately upon issuance.

3. All Orders, Memoranda and other related issuances inconsistent with these policy and guidelines are deemed amended accordingly upon its effectivity.

4. Immediate dissemination of and strict compliance with this Order is directed.

BR. ARMIN A. LUISTRO FSC
Secretary

Encl.: As stated
Reference: DepEd Memorandum No. 297, s. 2006
To be indicated in the Perpetual Index
under the following subjects:

LEGISLATIONS	RULES & REGULATIONS
POLICY	STUDENTS
PUPILS	TEACHERS

UNCONTROLLED
Merly D. Cereno
Signature over Printed Name/Date

SMA, DO DepEd Child Protection Policy
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(Enclosure to DepEd Order No. 40, s. 2012)

DEPARTMENT OF EDUCATION

Policy and Guidelines on Protecting Children in School from Abuse, Violence, Exploitation, Discrimination, Bullying and Other Forms of Abuse

I. GENERAL PROVISIONS

Section 1. Short Title

This Department Order shall be known as the "DepEd Child Protection Policy."

Section 2. – Statement of Policy

Pursuant to the 1987 Constitution, the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development (Article XV, Section 3 [2]).

The Constitution further provides that all educational institutions shall inculcate patriotism and nationalism, foster love of humanity, respect for human rights, appreciation of the role of national heroes in the historical development of the country, teach the rights and duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline, encourage critical and creative thinking, broaden scientific and technological knowledge, and promote vocational efficiency. (Article XIV, Section 3 [2]).

The Convention on the Rights of the Child (CRC) aims to protect children from all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment and exploitation, including sexual abuse. The same Convention establishes the right of the child to education, and with a view to achieving this right progressively, and on the basis of equal opportunity, it obliges the government to take measures to encourage regular attendance in school and reduce drop-out rates. Thus, it is mandated that all appropriate measures be undertaken to ensure that school discipline is administered in a manner consistent with the child's human dignity, and in conformity with the CRC.

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Towards this end, the Department of Education (DepEd), in collaboration with its partners and stakeholders, shall ensure that all schools are conducive to the education of children. The best interest of the child shall be the paramount consideration in all decisions and actions involving children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies, consistent with the principle of First Call for Children, as enunciated in the CRC. Teachers and learning facilitators especially in learning centers are their substitute parents, and are expected to discharge their functions and duties with this in mind. In this connection, the Family Code empowers the school, its administrators and teachers, or the individual, entity or institution engaged in child care to exercise the special parental authority and responsibility over the child, while under their supervision, instruction or custody.

The Department recognizes that cases of abuse may arise as a result of the difficult situations faced by teachers and other officials within and outside school.

DepEd has adopted the policy to provide special protection to children who are gravely threatened or endangered by circumstances which affect their normal development and over which they have no control, and to assist the concerned agencies in their rehabilitation.

Furthermore, this Department aims to ensure such special protection from all forms of abuse and exploitation and care as is necessary for the child's well-being, taking into account the primary rights and duties of parents, legal guardians, or other individuals who are legally responsible and exercise custody over the child. DepEd recognizes the participatory rights of the child in the formulation and implementation of policies, and in all proceedings affecting them, whether they be victims or aggressors, either directly, or through a representative.

Accordingly, this Department reiterates a zero tolerance policy for any act of child abuse, exploitation, violence, discrimination, bullying and other forms of abuse, and hereby promulgates this Department Order.

Section 3. – Definition of Terms

A. ***"Child"*** – refers to any person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty,

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exploitation or discrimination because of a physical or mental disability or condition; (RA 7610). For purposes of this Department Order, the term also includes pupils or students who may be eighteen (18) years of age or older but are in school.

B. ***"Children in School"*** – refers to bona fide pupils, students or learners who are enrolled in the basic education system, whether regular, irregular, transferee or repeater, including those who have been temporarily out of school, who are in the school or learning centers premises or participating in school-sanctioned activities.

C. ***"Pupil, Student or Learner"*** – means a child who regularly attends classes in any level of the basic education system, under the supervision and tutelage of a teacher or facilitator.

D. ***"School Personnel"*** – means the persons, singly or collectively, working in a public or private school. They are classified as follows:

a. ***"School Head"*** refers to the chief executive officer or administrator of a public or private school or learning center.

b. ***"Other School Officials"*** include other school officers, including teachers, who are occupying supervisory positions or positions of responsibility, and are involved in policy formulation or implementation in a school.

c. ***"Academic Personnel"*** includes all school personnel who are formally engaged in actual teaching service or in research assignments, either on a full-time or a part-time basis, as well as those who possess certain prescribed academic functions directly supportive of teaching, such as registrars, librarians, guidance counselors, researchers, and other similar persons. They may include school officials who are responsible for academic matters, and other school officials.

d. ***"Other Personnel"*** includes all other non-academic personnel in the school, whatever may be the nature of their appointment and status of employment.

E. ***"Child Protection"*** - refers to programs, services, procedures and structures that are intended to prevent and respond to abuse, neglect, exploitation, discrimination and violence.

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F. ***"Parents"*** – refers to biological parents, step-parents, adoptive parents and the common-law spouse or partner of the parent;

G. ***"Guardians or Custodians"*** – refers to legal guardians, foster parents, and other persons, including relatives or even non-relatives, who have physical custody of the child.

H. ***"School Visitor or Guest"*** **–** refers to any person who visits the school and has any official business with the school, and any person who does not have any official business but is found within the premises of the school. This may include those who are within the school premises for certain reasons, e.g. student teachers, catechists, service providers, suppliers, bidders, parents and guardians of other children.

I. ***"Child Abuse"*** – refers to the maltreatment of a child, whether habitual or not, which includes any of the following:

1) psychological or physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;

2) any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;

3) unreasonable deprivation of the child's basic needs for survival, such as food and shelter; or

4) failure to immediately give medical treatment to an injured child resulting in serious impairment of his or her growth and development or in the child's permanent incapacity or death (Sec. 3 [b], RA 7610).

J. ***"Discrimination against children"*** – refers to an act of exclusion, distinction, restriction or preference which is based on any ground such as age, ethnicity, sex, sexual orientation and gender identity, language, religion, political or other opinion, national or social origin, property, birth, being infected or affected by Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (AIDS), being pregnant, being a child in conflict with the law, being a child with disability or other status or condition, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.

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K. ***"Child exploitation"*** - refers to the use of children for someone else's advantage, gratification or profit often resulting in an unjust, cruel and harmful treatment of the child. These activities disrupt the child's normal physical or mental health, education, moral or social emotional development. It covers situations of manipulation, misuse, abuse, victimization, oppression or ill-treatment.

There are two (2) main forms of child exploitation that are recognized:

1. **Sexual exploitation** – refers to the abuse of a position of vulnerability, differential power, or trust, for sexual purposes. It includes, but it is not limited to forcing a child to participate in prostitution or the production of pornographic materials, as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud or through abuse of a victim's vulnerability.

2. **Economic exploitation** – refers to the use of the child in work or other activities for the benefit of others. Economic exploitation involves a certain gain or profit through the production, distribution and consumption of goods and services. This includes, but is not limited to, illegal child labor, as defined in RA 9231.

L. ***"Violence against children committed in schools"*** - refers to a single act or a series of acts committed by school administrators, academic and non-academic personnel against a child, which result in or is likely to result in physical, sexual, psychological harm or suffering, or other abuses including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the following acts:

1. *Physical violence* refers to acts that inflict bodily or physical harm. It includes assigning children to perform tasks which are hazardous to their physical well-being.

2. *Sexual violence* refers to acts that are sexual in nature. It includes, but is not limited to:

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a) rape, sexual harassment, acts of lasciviousness, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim's body;

b) forcing the child to watch obscene publications and indecent shows or forcing the child to do indecent sexual acts and/or to engage or be involved in, the creation or distribution of such films, indecent publication or material; and

c) acts causing or attempting to cause the child to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion, or through inducements, gifts or favors.

3. *Psychological violence* refers to acts or omissions causing or likely to cause mental or emotional suffering of the child, such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, deduction or threat of deduction from grade or merit as a form of punishment, and repeated verbal abuse.

4. *Other acts of violence* of a physical, sexual or psychological nature that are prejudicial to the best interest of the child.

M. ***"Bullying or Peer Abuse"*** – refers to willful aggressive behavior that is directed, towards a particular victim who may be out-numbered, younger, weak, with disability, less confident, or otherwise vulnerable. More particularly:

1. Bullying – is committed when a student commits an act or a series of acts directed towards another student, or a series of single acts directed towards several students in a school setting or a place of learning, which results in physical and mental abuse, harassment, intimidation, or humiliation. Such acts may consist of any one or more of the following:

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a. Threats to inflict a wrong upon the person, honor or property of the person or on his or her family;

b. Stalking or constantly following or pursuing a person in his or her daily activities, with unwanted and obsessive attention;

c. Taking of property;

d. Public humiliation, or public and malicious imputation of a crime or of a vice or defect, whether real or imaginary, or any act, omission, condition, status, or circumstance tending to cause dishonor, discredit or expose a person to contempt;

e. Deliberate destruction or defacement of, or damage to the child's property;

f. Physical violence committed upon a student, which may or may not result to harm or injury, with or without the aid of a weapon. Such violence may be in the form of mauling, hitting, punching, kicking, throwing things at the student, pinching, spanking, or other similar acts;

g. Demanding or requiring sexual or monetary favors, or exacting money or property, from a pupil or student; and

h. Restraining the liberty and freedom of a pupil or student.

2. *Cyber-bullying* - is any conduct defined in the preceding paragraph, as resulting in harassment, intimidation, or humiliation, through electronic means or other technology, such as, but not limited to texting, email, instant messaging, chatting, internet, social networking websites or other platforms or formats.

N. ***"Other acts of abuse by a pupil, student or learner"*****–** refers to other serious acts of abuse committed by a pupil, student or learner upon another pupil, student or learner of the same school, not falling under the definition of 'bullying' in the preceding provisions, including but not limited to acts of a physical, sexual or psychological nature.

O. ***"Corporal Punishment"*** - refers to a kind of punishment or penalty imposed for an alleged or actual offense, which is carried

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out or inflicted, for the purpose of discipline, training or control, by a teacher, school administrator, an adult, or any other child who has been given or has assumed authority or responsibility for punishment or discipline. It includes physical, humiliating or degrading punishment, including, but not limited to the following:

1) Blows such as, but not limited to, beating, kicking, hitting, slapping, or lashing, of any part of a child's body, with or without the use of an instrument such as, but not limited to a cane, broom, stick, whip or belt;

2) Striking of a child's face or head, such being declared as a "no contact zone";

3) Pulling hair, shaking, twisting joints, cutting or piercing skin, dragging, pushing or throwing of a child;

4) Forcing a child to perform physically painful or damaging acts such as, but not limited to, holding a weight or weights for an extended period and kneeling on stones, salt, pebbles or other objects;

5) Deprivation of a child's physical needs as a form of punishment;

6) Deliberate exposure to fire, ice, water, smoke, sunlight, rain, pepper, alcohol, or forcing the child to swallow substances, dangerous chemicals, and other materials that can cause discomfort or threaten the child's health, safety and sense of security such as, but not limited to bleach or insecticides, excrement or urine;

7) Tying up a child;

8) Confinement, imprisonment or depriving the liberty of a child;

9) Verbal abuse or assaults, including intimidation or threat of bodily harm, swearing or cursing, ridiculing or denigrating the child;

10) Forcing a child to wear a sign, to undress or disrobe, or to put on anything that will make a child look or feel foolish, which belittles or humiliates the child in front of others;

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11) Permanent confiscation of personal property of pupils, students or learners, except when such pieces of property pose a danger to the child or to others; and

12) Other analogous acts.

P. "***Positive and Non-Violent Discipline of Children*" –**is a way of thinking and a holistic, constructive and pro-active approach to teaching that helps children develop appropriate thinking and behavior in the short and long-term and fosters self-discipline. It is based on the fundamental principle that children are full human beings with basic human rights. Positive discipline begins with setting the long-term goals or impacts that teachers want to have on their students' adult lives, and using everyday situations and challenges as opportunities to teach life-long skills and values to students.

II. DUTIES AND RESPONSIBILITIES

Section 4. Central Office

The DepEd Central Office shall have the following duties and responsibilities:

A. Develop a policy and guidelines for the prevention of violence against children in schools and make these available to all schools;

B. Conduct a nationwide information dissemination and campaign on violence prevention programs for children and research-based best practices for teachers, which are intended to promote new techniques, methodologies and research related to teaching, classroom management, child development, positive and non-violent discipline;

C. Devise programs, campaigns and activities through the Offices of the Undersecretary for Programs and Projects and Regional Operations, to raise consciousness, mobilize and educate the students, parents, teachers, community, local government units and other stakeholders in addressing child abuse, exploitation, violence, discrimination and bullying; and

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D. Formulate a system of standard reporting, prescribe standards and procedures for monitoring and evaluation, and maintain the central repository of Regional Reports (Annex "A") on incidents and cases of child abuse, exploitation, violence, discrimination, bullying and other acts of abuse, through the Office of the Undersecretary for Legal and Legislative Affairs.

The data on the number and types of reports made under these guidelines, the results of investigations undertaken to verify the details made in the complaints, the sanctions imposed, the action taken and the interventions adopted, are to be maintained on an annual aggregated basis.

E. The Secretary shall exercise disciplinary jurisdiction, where appropriate, pursuant to the Revised Rules of Procedure of the Department of Education in Administrative Cases and other existing laws, rules and regulations.

Section 5. Regional Offices

The Regional Offices shall have the following duties and responsibilities:

A. Encourage and support advocacy campaigns and capability building activities on the prevention of child abuse, violence, exploitation, discrimination, bullying and other forms of abuse, promotion of positive and non-violent discipline, conflict resolution and peer mediation;

B. Consolidate reports on incidents and cases of the Division Offices within the Region and submit a Regional Report (Annex "A") to the Undersecretary for Legal and Legislative Affairs;

C. Monitor and evaluate the implementation and enforcement of this Department Order by the Schools Division Offices and such other related laws and regulations relative to abuse, exploitation, violence and discrimination of children;

D. Exercise disciplinary jurisdiction, where appropriate, pursuant to the Revised Rules of Procedure of the Department of Education in Administrative Cases and other existing laws, rules and regulations; and

E. Give recommendations to the Central Office on the policies, programs, and services, to address and prevent cases of child

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abuse, exploitation, violence and discrimination, bullying and other acts of abuses, consistent with this Department Order.

Section 6. Division Offices

The Division Offices shall have the following duties and responsibilities:

A. Conduct the information-dissemination activities and in-service training for teachers on the protection of children in school from abuse, violence, exploitation, discrimination, bullying or peer abuse and other related cases;

B. Undertake advocacy campaigns and capability building activities to enable the schools to do the following:

- Apply positive and non-violent discipline,
- Formulate and implement guidelines and procedures to emphasize the role of all stakeholders and other persons in the prevention and reporting of cases of bullying, and
- Provide conflict resolution or peer mediation, including referral to appropriate service providers, if needed;

C. Organize and conduct the capacity building activities for members of the Child Protection Committee and Guidance Counselors/Teachers; including, but not limited to the identification of students who may be suffering from significant harm based on any physical, emotional or behavioral signs;

D. Develop strategies to address the risk factors that contribute to the commission of acts of abuse, violence, exploitation, discrimination, and bullying;

E. Consolidate the reports on incidents and cases of all schools and submit a Division Report (Annex "A") to the Regional Office;

F. Monitor and evaluate the implementation and enforcement by public and private schools of this Department Order and such other related laws and regulations relative to abuse, exploitation, violence and discrimination of children;

G. Exercise disciplinary jurisdiction, where appropriate, pursuant to the Revised Rules of Procedure of the Department of

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Education in Administrative Cases and other existing laws, rules and regulations;

H. Give recommendations to the Regional Office and devise measures to address and prohibit abuse, exploitation, violence and discrimination, and bullying or peer abuse of children, consistent with this Department Order;

I. Utilize resources, coordinate with appropriate offices and other agency or instrumentality for such assistance as it may require in the performance of its functions;

J. Encourage and support activities and campaigns initiated by stakeholders; and

K. Perform such other functions, as may be assigned by the Secretary or the Regional Director.

Section 7. – Schools

The School Heads shall have the following duties and responsibilities:

A. Ensure the institution of effective child protection policies and procedures, and monitor compliance thereof;

B. Ensure that the school adopts a child protection policy;

C. Ensure that all pupils, students or learners, school personnel, parents, guardians or custodians, and visitors and guests are made aware of child protection policy (Annex "C").

D. Organize and convene the Child Protection Committee for the school;

E. Conduct the capacity building activities for the members of the Child Protection Committee and Guidance Counselors/Teachers;

F. Conduct disciplinary proceedings in cases of offenses committed by pupils, students or learners;

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G. Ensure that the participatory and other rights of children are respected and upheld in all matters and procedures affecting their welfare;

H. Maintain a record of all proceedings related to bullying or peer abuse and submit after each school year to the Division Office the report and a copy of the intake form (Annexes "A" & "B", respectively);

I. Conduct the appropriate training and capability-building activities on child protection measures and protocols;

J. Ensure that the school adopts a student Code of Conduct to be followed by every pupil, student or learner while on school grounds, or when traveling to and from school, or during a school-sponsored activity, and during lunch period, whether on or off campus;

K. Adopt such conflict resolution mechanisms that respect the rights of indigenous peoples, provided that they conform to this Department Order and they uphold the rights of the child;

L. Coordinate with the appropriate offices and other agency or instrumentality for appropriate assistance and intervention, as may be required in the performance of its functions;

M. Coordinate with the Department of Social Welfare and Development or, the appropriate government agencies or non-governmental organizations on a Child Protection Hotline for reporting abuse, violence, exploitation, discrimination, bullying and other similar acts and for counseling;

N. Ensure that all incidents of abuse, violence, exploitation, discrimination, bullying and other similar acts are addressed in accordance with the provisions of this Department Order.

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Section 8. Duties and Responsibilities of School Personnel

Article 218 of the Family Code of the Philippines provides the following responsibilities of school administrators, teachers, academic and non-academic and other personnel:

A. Exercise special parental authority and responsibility over the child while under their supervision, instruction and custody. Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity or institution.

Articles 220 and 233 of the Family Code of the Philippines, Presidential Decree No. 603, and other related laws enumerated the following duties and responsibilities of the abovementioned persons and personnel over the children under their supervision, instruction and custody:

B. Keep them in their company and support, educate and instruct them by right precept and good example;

C. Give them love and affection, advice and counsel, companionship and understanding;

D. Enhance, protect, preserve and maintain their physical and mental health at all times;

E. Furnish them with good and wholesome educational materials, supervise their activities, recreation and association with others, protect them from bad company and prevent them from acquiring habits detrimental to their health, studies and morals;

F. Represent them in all matters affecting their interests;

G. Inculcate the value of respect and obedience;

H. Practice positive and non-violent discipline, as may be required under the circumstances; provided, that in no case shall corporal punishment be inflicted upon them;

I. Perform such other duties as are imposed by law upon them, as substitute parents or guardians; and

J. School personnel shall also strictly comply with the school's child protection policy.

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Section 9. Duties and Responsibilities of Pupils, Students and Learners

Pupils, students and learners shall have the following duties and responsibilities:

A. Comply with the school's regulations, as long as they are in harmony with their best interests. Pupils, students and learners shall refrain from:

   i. Engaging in discrimination, or leading a group of pupils or students to discriminate another, with reference to one's physical appearance, weaknesses and status of any sort;
   ii. Doing any act that is inappropriate or sexually provocative;
   iii. Participating in behavior of other students that is illegal, unsafe or abusive;
   iv. Marking or damaging school property, including books, in any way;
   v. Engaging in fights or any aggressive behavior;
   vi. Introducing into the school premises or otherwise possessing prohibited articles, such as deadly weapons, drugs, alcohol, toxic and noxious substances, cigarettes and pornographic material; and
   vii. Performing other similar acts that cause damage or injury to another.

   An allegation that any of these acts has been committed shall not be used to curtail the child's basic rights, or interpreted to defeat the objectives of this Department Order.

B. Conduct themselves in accordance with their levels of development, maturity, and demonstrated capabilities, with a proper regard for the rights and welfare of other persons;

C. Respect another person's rights regardless of opinion, status, gender, ethnicity, religion, as well as everyone's moral and physical integrity; and

D. Observe the Code of Conduct for pupils, students and learners.

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Section 10. Establishment of Child Protection Committee

All public and private elementary and secondary schools shall establish a Child Protection Committee (CPC).

A. The CPC shall be composed of the following:

1. School Head/Administrator – Chairperson
2. Guidance Counselor/ Teacher – Vice Chairperson
3. Representative of the Teachers as designated by the Faculty Club
4. Representative of the Parents as designated by the Parents-Teachers Association
5. Representative of pupils, students and learners as designated by the Supreme Student Council
6. Representative from the Community as designated by the Punong Barangay, preferably a member of the Barangay Council for the Protection of Children (BCPC).

B. The CPC shall perform the following functions:

1. Draft a school child protection policy with a code of conduct and a plan to ensure child protection and safety, which shall be reviewed every three (3) years. The template for the school child protection policy is attached as Annex "C";

2. Initiate information dissemination programs and organize activities for the protection of children from abuse, exploitation, violence, discrimination and bullying or peer abuse;

3. Develop and implement a school-based referral and monitoring system. The template for the referral system is attached as Annex "D";

4. Establish a system for identifying students who may be suffering from significant harm based on any physical, emotional or behavioral signs;

5. Identify, refer and, if appropriate, report to the appropriate offices cases involving child abuse, exploitation, violence, discrimination and bullying;

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6. Give assistance to parents or guardians, whenever necessary in securing expert guidance counseling from the appropriate offices or institutions;

7. Coordinate closely with the Women and Child Protection Desks of the Philippine National Police (PNP), the Local Social Welfare and Development Office (LSWDO), other government agencies, and non-governmental organizations (NGOs), as may be appropriate;

8. Monitor the implementation of positive measures and effective procedures in providing the necessary support for the child and for those who care for the child; and

9. Ensure that the children's right to be heard are respected and upheld in all matters and procedures affecting their welfare.

III. PREVENTIVE MEASURES TO ADDRESS CHILD ABUSE, EXPLOITATION, VIOLENCE, DISCRIMINATION AND BULLYING AND OTHER ACTS OF ABUSE

Section 11. Capacity Building of School Officials, Personnel, Parents and Students

All public and private elementary and secondary schools shall build the capacities of school personnel, pupils, students and learners, parents and guardians to understand and deal with child abuse, exploitation, violence and discrimination cases, bullying and peer violence by conducting sessions, trainings and seminars on positive peer relationships and enhancement of social and emotional competence.

They shall use training modules which include positive and non-violent discipline in classroom management, anger and stress management and gender sensitivity. They shall likewise employ means which enhance the skills and pedagogy in integrating and teaching children's rights in the classroom.

The programs that are intended to promote Positive and Non-Violent Discipline include, but are not limited to, the following:

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1. Integration of education sessions on corporal punishment and positive discipline in the initiatives of the Parent-Teachers Associations (PTAs);

2. Capacity-building programs for school administrators, teachers and non-academic personnel focused on children's rights, child development and positive and nonviolent approaches in teaching and classroom management, to enable them to incorporate positive discipline messages in parent-teacher conferences and family counseling, and integrate messages on children's rights and corporal punishment in classroom discussions;

3. Encouraging and supporting the formation and initiatives of support groups among teaching and non-teaching staff, and parents and caregivers;

4. Implementing specific parenting orientation sessions with parents and caregivers and other activities;

5. Implementing school activities or events that raise awareness on children's rights, corporal punishment and positive discipline, fostering the active involvement of and providing venues for bringing together parents, families and children;

6. Encouraging and supporting student-led initiatives to raise awareness on children's rights, corporal punishment and positive discipline; and

7. Setting up child-friendly mechanisms for obtaining children's views and participation in the formulation, monitoring and assessment of school rules and policies related to student discipline.

IV. PROTECTIVE AND REMEDIAL MEASURES TO ADDRESS CHILD ABUSE, EXPLOITATION, VIOLENCE, DISCRIMINATION, BULLYING AND OTHER ACTS OF ABUSE

Section 12. Procedures in Handling Bullying Incidents in Schools. A complaint for bullying or peer abuse shall be acted upon by the School Head following the procedures herein set forth:

a. **Bullying** - Upon the filing of a complaint or upon notice by a school personnel or official of any bullying or peer abuse incident, the same shall be immediately reported to the School Head, who

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shall inform the parents or guardian of the victim and the offending child, in a meeting called for the purpose. The victim and the offending child shall be referred to the Child Protection Committee for counseling and other interventions. The penalty of reprimand, if warranted, may be imposed by the School Head in the presence of the parents or guardians.

If bullying is committed for a second or subsequent time, after the offending child has received counseling or other interventions, the penalty of suspension for not more than one (1) week may be imposed by the School Head, if such is warranted. During the period of suspension, the offending child and the parents or guardians may be required to attend further seminars and counseling. The School Head shall likewise ensure that the appropriate interventions, counseling and other services, are provided for the victim or victims of bullying.

b. **Bullying that results in serious physical injuries or death** - If the bullying or peer abuse resulted in serious physical injuries or death, whenever appropriate, the case shall be dealt with in accordance with the provisions of Republic Act 9344 and its Implementing Rules and Regulations.

c. **Procedure** - In all cases where the imposable penalty on the offending child is suspension, exclusion or expulsion, the following minimum requirements of due process shall be complied with:

(1) The child and the parents or guardians must be informed of the complaint in writing;

(2) The child shall be given the opportunity to answer the complaint in writing, with the assistance of the parents or guardian;

(3) The decision of the school head must be in writing, stating the facts and the reasons for the decision;

(4) The decision of the school head may be appealed, as provided in existing rules of the Department.

Section 13. Implementation of Non-punitive Measures. Depending on the gravity of the bullying committed by any pupil, student or learner, the school may impose other non-punitive

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measures, in lieu of punitive measures, in accordance with the principles of Positive and Non-Violent Discipline.

Section 14. Other acts of violence or abuse. Other serious acts of violence or abuse committed by a pupil, student or learner upon another pupil, student or learner of the same school, shall, and whenever appropriate, be dealt with in accordance with the provisions of Republic Act 9344 and its Implementing Rules and Regulations.

V. RULES AND PROCEDURES IN HANDLING CHILD ABUSE, EXPLOITATION, VIOLENCE AND DISCRIMINATION CASES

Section 15. - Prohibited Acts

The following acts, as defined in Section 3 of this Order, are hereby prohibited and shall be penalized in administrative proceedings as Grave or Simple Misconduct depending on the gravity of the act and its consequences, under existing laws, rules and regulations:

1. Child abuse;
2. Discrimination against children;
3. Child Exploitation ;
4. Violence Against Children in School;
5. Corporal Punishment;
6. Any analogous or similar acts.

Section 16. Investigation and Reporting. The conduct of investigation and reporting of cases of child abuse, exploitation, violence or discrimination, shall be done expeditiously, as herein provided.

A. PUBLIC SCHOOLS

A. The School Head or the Schools Division Superintendent, upon receipt of the Complaint, shall forward the same, within forty-eight (48) hours, to the Disciplining Authority, who shall then issue an Order for the conduct of a fact-finding investigation, not later than seventy-two (72) hours from submission. These periods shall be strictly observed, except when justified by circumstances beyond their

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control; *Provided*, that, if the person complained of is a non-teaching personnel, the Schools Division Superintendent shall cause the conduct of a fact-finding investigation within the same period.

B. If a complaint is not sufficient in form, the concerned School Head, Schools Division Superintendent, or Disciplining Authority shall immediately inform the complainant of the requirements of a formal complaint. Upon the filing of the formal complaint, the same shall be acted upon pursuant to the preceding paragraphs.

C. The conduct of a fact-finding investigation shall be in accordance with the Revised Rules of Procedure of the Department of Education in Administrative Cases. Pending investigation, upon referral of the School Principal or Guidance Counselor/Teacher, the Local Social Welfare and Development Officer (LSWDO) of the concerned local government unit shall assess the child and provide psycho-social intervention to help the child victim recover from whatever trauma he or she has experienced as a result of the abuse. The offender shall likewise undergo psycho-social intervention, if such is warranted.

If a prima facie case exists based on the Investigation Report and the records, a Formal Charge shall be issued by the Disciplining Authority, which may be the basis for the issuance of an Order of Preventive Suspension or as an alternative, reassignment of the offending party, as may be warranted. The respondent may be placed under preventive suspension pending investigation, for a period of ninety (90) days, if the injury or abuse committed against a child is so grave, as to render the child unable to attend his or her classes. The respondent may also be preventively suspended to preclude the possibility of influencing or intimidating witnesses.

The respondent may file a Motion for Reconsideration with the Disciplining Authority or may elevate the same to the Civil Service Commission by way of an Appeal within fifteen (15) days from receipt thereof.

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D. The Revised Rules of Procedure of the Department of Education in Administrative Cases shall apply in all other aspects.

E. A complaint for education-related sexual harassment as defined under Resolution No. 01-0940 of the Civil Service Commission, must be in writing, signed and sworn to by the complainant. It shall contain the following:

1. the full name and address of the complainant;
2. the full name, address, and position of the respondent;
3. a brief statement of the relevant facts;
4. evidence, in support of the complainant, if any;
5. a certification of non-forum shopping.

E.1. The Complaint shall be referred to the Committee on Decorum and Investigation. Upon receipt of the complaint, the Committee shall require the person complained of to submit his or her Counter-Affidavit/Comment, which shall be under oath, not later than three (3) days from receipt of the notice, furnishing the complainant a copy thereof, otherwise the Counter-Affidavit or Comment shall be considered as not filed.

E.2. The procedure for the conduct of an investigation and all other related incidents, shall be in accordance with the rules under Resolution No. 01-0940 of the Civil Service Commission; Provided, that, if the respondent is a teacher, the composition of the Formal Investigating Committee shall be in accordance with Section 9 of R.A. 4670.

F. The Regional Directors shall periodically monitor and keep a record of all reported child abuse cases, and submit a final consolidated regional report (Annex "A) to the Office of the Undersecretary for Legal and Legislative Affairs and the Undersecretary for Regional Operations.

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G. Failure to submit an incident report or to render a decision involving the case within the prescribed period, without justifiable cause, shall be a ground for administrative action for neglect of duty against the responsible official.

H. The Office of the Undersecretary for Legal and Legislative Affairs shall compile the regional reports and submit an annual report to the Secretary.

Section 17. Jurisdiction. Complaints of child abuse, violence, discrimination, exploitation, bullying and other acts of abuse under this Department Order shall be within the exclusive jurisdiction of the Department, and shall not be brought for amicable settlement before the Barangay, subject to existing laws, rules and regulations. Complaints for acts committed by persons not under the jurisdiction of the Disciplinary Authority of the Department shall be referred to the appropriate authorities.

Section 18. Confidentiality. In child abuse, violence, discrimination, exploitation, bullying or peer abuse and other acts of abuse by a pupil, student or learners, the identity or other information that may reasonably identify the pupil, student or learner, whether victim or offender, shall be withheld from the public to protect his or her privacy.

On the other hand, the Magna Carta for Public School Teachers protects the rights of teachers and no publicity shall be given to any disciplinary action against a teacher during the pendency of his or her case.

Section 19. Criminal and Civil Liability. Criminal and civil liability arising from child abuse, discrimination, exploitation, and other acts of abuse are separate and distinct, and shall not be a bar to the filing of an administrative case under these guidelines.

B. Private Schools

Section 20. Complaint against school personnel or official. A complaint for child abuse, violence, exploitation or discrimination in a private school shall be filed with the School Head/Chief Executive Officer and shall be acted upon pursuant to the school's rules of procedures on administrative cases. The penalty shall be that which is provided by the rules of the school, subject to the requirements of due

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process. The administrative case shall be without prejudice to any civil or criminal case that may be filed.

Section 21. The private school shall submit the report (Annex "A") to the Division Office after each school year.

VI. REFERRAL AND ASSESSMENT OF VICTIMS AND OFFENDERS AND OTHER CHILDREN

Section 22. Referral and Assessment. In all cases involving child abuse, violence, exploitation, discrimination, bullying and other acts of abuse, the CPC shall accomplish the Intake Sheet (Annex "B"). The School Head may refer the victims and offenders in cases involving child abuse, exploitation, discrimination, bullying or peer abuse and other acts of abuse, to the LSWDO for assessment. The LSWDO shall determine the appropriate intervention.

The School Head, with the aid of the assigned Guidance Counselor/Teacher, and in coordination with the LSWDO, shall immediately remove the victim, or in appropriate cases the offender, from the place of the incident, if the victim is determined to be at risk. The child's family shall be informed of any action taken.

The School Head may also refer to the LSWDO other pupils, students or learners who are victims of abuse at home, children at risk, children in especially difficult circumstances, children with special needs or at risk, children facing difficult situations, or those who are exhibiting signs of aggressive behavior, with a view to obtaining professional assessment, appropriate interventions and assistance from competent service providers.

VII. MISCELLANEOUS PROVISIONS

Section 23. Duties of Private Schools

Private Schools shall be responsible for promulgating a school child protection policy, including a policy on bullying, a protocol for reporting and procedures for handling and management of cases, consistent with these policies and guidelines.

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Section 24. - Separability Clause

Any part or provision of this Department Order which may be held invalid or unconstitutional shall not affect the validity and effectivity of the other provisions.

Section 25. Repealing Clause

All prior Department Orders or other issuances, or provisions thereof, which are inconsistent with this Department Order are hereby repealed, revised or modified accordingly.

Section 26. – Effectivity

This Department Order shall take effect immediately upon issuance.

BR. ARMIN A. LUISTRO FSC
Secretary

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