Implementing Rules and Regulations of Republic Act No. 10627

Volume 7, 2014

IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 10627, OTHERWISE KNOWN AS THE ANTI-BULLYING ACT OF 2013

Pursuant to the provisions of Section 17 Republic Act No. 10627, the Anti-Bullying Act of 2013, these rules are hereby issued to implement the provisions of the law:

RULE I
PRELIMINARY PROVISIONS

Section 1. Short Title. These rules shall be known as the "Implementing Rules and Regulations of the Anti-Bullying Act of 2013".

Section 2. Scope and Coverage.

These rules shall cover all public and private kindergarten, elementary and secondary schools and learning centers.

RULE II
DEFINITION OF TERMS

Section 3. Definition of Terms. As used in this Implementing Rules and Regulations (IRR), the following terms shall be defined as:

a. "Act" shall mean the Anti-Bullying Act of 2013 otherwise known as the "Anti-Bullying Act of 2013";

b. "**Bullying**" refers to any severe or repeated use by one or more students of a written, verbal or electronic expression, or a physical act or gesture, or any combination thereof, directed at another student that has the effect of actually causing or placing the latter in reasonable fear of physical or emotional harm or damage to his property; creating a hostile environment at school for the other student; infringing on the rights of the other student at school; or materially and substantially disrupting the education process or the orderly operation of a school as set out in Section 4 of the Act, to wit:

1. Any unwanted physical contact between the bully and the victim like pushing, pulling, shoving, kicking, slapping, hitting, pinching, biting, combing hair, tripping, flashing and other similar actions as examples;

2. Any act that causes damage to a victim's psyche and/or emotional well-being;

3. Any slanderous statement or accusation that causes the victim undue emotional distress like directing foul language or profanity at the target, intimidating, humiliating and commenting negatively on victim's looks, clothes and habits;

4. "**Cyber bullying**" or bullying done through the use of technology or any electronic means. The term shall also refer to the commission of bullying through the use of information and communication technology or any electronic means such as, but not limited to, electronic mail, internet messaging, blogging, instant messaging, texting, social media, online games, or other platforms or formats as defined in Deal(b) Order No. 40, s. 2012; and

5. Any other form of bullying may be prescribed in the school's child protection or anti-bullying policy, consistent with the law and this IRR;

c. The term "School" shall mean:

1. "**Formal building**" refers to any deliberately, repetitive and aggressive social behavior intended to hurt others or to belittle another individual or group;

2. "**Informal building**" refers to any act that humiliates or excludes a person on the basis of personal or school related characteristics;

d. "**Bully**" – refers to any student who commits an act of bullying as defined by the Act or this IRR;

e. "**Bullied**" or "**Victim**" – refers to any student who experiences the act of bullying or victimization as defined by the Act or this IRR;

f. "**Bystander**" – refers to any person who witnesses or has personal knowledge of any actual or perceived acts or incidents of bullying or victimization as defined by this IRR;

g. "**Learning center**" – refers to learning resources and facilities of a learning program for out-of-school youth and adults as defined in Deal(b) Order No. 40, s. 2012;

h. "**Service provider**" – refers to any person who teaches or is a school personnel who works in the school, such as but not limited to, security guards, canteen personnel, utility workers and transportation service personnel;

i. "**Student**" – refers to a person who attends classes in any level of basic education, and includes a pupil or learner as defined in Deal(b) Order No. 40, s. 2012.

RULE III
ANTI-BULLYING POLICIES

Section 4. Adoption of Anti-Bullying Policies.

All public and private kindergarten, elementary and secondary schools shall adopt policies to address the existence of bullying in their respective institutions. Such policies shall be regularly updated and, at a minimum, shall include provisions on prohibition and prevention, prevention and intervention programs, mechanisms and procedures.

RULE IV
PROHIBITED ACTS

Section 5. Prohibited Acts

Consistent with Section 5 of the Act, the anti-bullying policy shall prohibit:

1. Bullying by the following:

a. school grounds;

b. property immediately adjacent to school grounds;

c. school-sponsored or school-authorized activities, functions or programs whether on or off school grounds;

d. school bus stops;

e. school buses or other vehicles owned, leased or used by a school;

f. school buses or school services privately contracted for accomplishing the school;

2. Bullying through the use of technology or an electronic device or other forms of media cannot lessen or cast a way a bullying act;

3. Retaliation against a witness, bystander, informer or whistle blower or against any person who participates in any action or an electronic device or other forms of media that is not owned, leased or used by a school; and

4. Retaliation against a person who reports bullying, who provides information during an investigation of bullying, or who is a witness to or has reliable information about bullying.

RULE V
PREVENTION AND INTERVENTION PROGRAM TO ADDRESS BULLYING

Section 6. Prevention Programs

All public and private schools shall adopt bullying prevention programs. These programs shall be applicable to all students regardless of their sex or perceived sexuality in bullying. Such programs shall also be comprehensive, multi-faceted and shall contain all educative stakeholders and personnel. The programs may contain among others:

(1) Educate-educate stakeholders on:

a. positive school climate and environment conducive to the attainment of learning objectives, the development of healthy relationships and the nurturing of and respect for individual differences;

b. periodic assessment and monitoring of the nature, extent, and perceptions of bullying behaviors and attitudes of students;

c. periodic review and development of the comprehensive and purposeful manual or code of conduct in relation to bullying;

d. conduct of activities for students, school personnel and service providers on how to recognize and respond to bullying;

e. continuing personnel development to sustain bullying prevention programs; and

f. coordination with Local Government Units, barangay Discipline Council for the Protection of Children and other stakeholders.

(2) Classroom-level initiatives that focus on:

a. reinforcing school-wide rules pertaining to bullying;

b. building a positive school and peer relationships and interpersonal skills through the development of self-expression and self-management, interpersonal skills and empathy, and responsible decision-making and problem-solving;

c. discussion of issues related to bullying, and strategies for responding to and negative consequences of bullying;

d. teaching positive online behavior and safety and how to recognize and report cyber-bullying; and

e. providing an inclusive and caring learning environment for students.

(3) Involving parents in bullying prevention activities, such as:

a. discussions of the anti-bullying policy of the school, emphasizing bullying prevention during Parents-Teachers Association meetings and seminars; and

b. conducting or reporting education sessions for parents to learn, touch, model, and reinforce positive social and emotional skills to their children.

(4) Monitoring students who are vulnerable to committing aggressive acts or who are perpetrators of bullying, or who are prevalent targets of bullying. The program shall include, at a minimum, the following:

Section 7. Intervention Programs

These shall be intervention programs to promote the continuity of comprehensive and purposeful policies. Intervention refers to a series of activities which are designed to address the following:

a. issues that influence the student to commit bullying;

b. factors that make a student a target of bullying; and

c. effects of bullying.

Intervention may include programs such as counseling, life skills training, education, and other activities that will enhance the psychosocial development and promote the mental health of the victim and the bully. Such programs may:

a. include activities that will address issue of bullying;

b. emphasize formation and maintenance of healthy relationships;

c. conform to principles of child protection and gender-fair and non-sexist discrimination;

d. help the victim, the bully, and the bystanders understand the bullying incident and the negative consequences; and

e. provide opportunities to practice pro-social behavior.

All schools shall develop intervention strategies including all parties, such as bullies, victims, bystanders, parents, school personnel, service providers and all other persons who may be affected by the bullying incident.

RULE VI
MECHANISMS AND PROCEDURES IN HANDLING BULLYING INCIDENTS IN SCHOOLS

Section 8. Duties and Responsibilities

In addition to the duties and responsibilities of education stakeholders enumerated in Sections 4 to 9 of Deal(b) Order No. 40, s. 2012, the following other duties and responsibilities shall have the following duties and responsibilities:

Section 9.1. Central Office

The Deal(b) Central Office shall:

a. Conduct a nationwide information dissemination and campaign on anti-bullying;

b. Monitor and evaluate reports of Regional Offices on incidents and cases of bullying;

c. Maintain a central repository of reports, through the Office of the Undersecretary for Legal and Legislative Affairs, on all cases of bullying, including but not limited to, the number of bullying incidents, details of investigations undertaken, and the details made to complaints, and the resolutions;

d. Initiate training programs and activities where best practices in intervention and prevention strategies are adopted, to ensure quality, relevant, effective and efficient delivery of prevention and intervention programs;

e. Submit a comprehensive annual report on bullying to the Committee on Basic Education of both the Senate and the House of Representatives;

Section 9.2. Regional Office

The Regional Office shall:

a. Encourage and support anti-bullying campaigns and bullying awareness campaigns on bullying bullying cases;

b. Review all anti-bullying policies adopted by public and private schools, to provide feedback to School Offices as requested by the Sub-Committee on Anti-Bullying, and to ensure that the anti-bullying policies are in accordance with the provisions of the Implementing Rules and Regulations (IRR) of the Anti-Bullying Act of 2013;

c. Consolidate reports on incidents and cases of the School Offices within the regional jurisdiction and submit a Regional Report to the Office Undersecretary for Legal and Legislative Affairs;

d. Monitor and evaluate the implementation and enforcement of the IRR; and

e. Implement workshops and penalties on wrong private schools and Deal(b) academic personnel.

Section 9.3. Division Office

The Division Offices shall:

a. Conduct information dissemination and capacity-building activities for teachers, guidance counselors, and members of the Child Protection Committees on Anti-Bullying bullying cases;

b. Monitor the implementation of anti-bullying policies of all public and private elementary and secondary schools within the Division, maintain a repository of such policies, and submit reports on compliance to the Regional Office;

c. Consolidate the reports on incidents and cases of bullying of all schools in the division and submit a Division Report to the Regional Office (Annex of Deal(b) Order No. 40, 2012);

d. Assess and evaluate the implementation and enforcement by public and private schools of the IRR;

e. Review the anti-bullying policies submitted by the schools, to ensure compliance with the IRR;

f. Monitor appeals in bullying cases in both public and private schools pursuant to the existing rules and regulations of the Department and Deal(b) Order No. 40, s. 2012 in the "Revised Manual of Regulations for Private Schools", respectively;

g. Coordinate with appropriate offices and other agencies or instrumentalities for such assistance as it may require in the implementation of its functions;

h. Encourage and support anti-bullying campaigns and bullying campaigns for stakeholders; and

i. Impose sanctions and penalties on wrong non-teaching Deal(b) personnel.

Section 9.4. Schools

Public and private kindergarten, elementary and secondary schools, through their administrators, principals and school heads, shall:

a. Adopt and implement a child protection or anti-bullying policy in accordance with this IRR and submit the same to the Division Office. The anti-bullying policy may be a part of the school's child protection policy;

b. Review and anti-bullying policies and penalties in accordance with the child protection or anti-bullying policy adopted by the school. Such policy shall likewise be included in the school's student and/or employee handbook and shall be conspicuously posted on the school walls and website, if there is any;

c. Educate students on the dynamics of bullying, the anti-bullying policies of the school as well as the mechanisms for the expeditious reporting of and filing of a bullying incident;

d. Educate parents and guardians about the dynamics of bullying, the child protection or anti-bullying policy of the school and how parents and guardians can provide support and reinforce the said policy at home;

e. Devise preventive, intervention, protective and remedial measures to address bullying;

f. Conduct the capacity building activities for guidance counselors/teachers and the members of the Child Protection Committees;

g. Ensure effective implementation of the anti-bullying policy and monitor compliance therewith;

h. Ensure the safety of the victim of bullying, the bully, and the bystanders and determine the students' needs for protection;

i. Ensure that the rights of the victim, the bully, and the bystander are protected and upheld during the conduct of the investigation;

j. Accomplish the Incident Sheet prescribed in Annex "B" whenever there is an incident of bullying, maintain a record of all proceedings related to bullying, and submit reports prescribed in Annex "A" of Deal(b) Order No. 40, s. 2012, to the Division Office;

k. Maintain a public record or statistics of incidents of bullying and retaliation;

l. Coordinate with appropriate offices and other agencies or instrumentalities for appropriate assistance and intervention, as required by the circumstances;

The school principal or a person who holds a comparable rank shall be responsible for the implementation and oversight of the child protection or anti-bullying policy.

Section 9.5 – Teachers and Other Personnel

Teachers and other school personnel shall:

a. Participate and cooperate in all preventive, intervention and other measures related to bullying implemented by the school;

b. Report to school authorities any incident of bullying; and

c. Perform the duties as specified in this IRR.

Section 9.6. – Students

Students shall:

a. Participate and cooperate in all preventive, intervention and other measures related to bullying implemented by the school;

b. Avoid or refrain from any act of bullying;

c. Intervene to prevent the victim, protect self-properties for safety and security; and

d. Report to school authorities any incident of bullying.

Section 9. Child Protection Committee on Anti-Bullying Committee

For the implementation of this IRR, the Child Protection Committee (CPC) established by Deal(b) Order No. 40, s. 2012, shall also be the committee that will handle bullying cases in the public or private schools.

The Committee, as provided in Deal(b) Order No. 40, s. 2012, 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 students, except in kindergarten, as designated by the Supreme Student Council; and

6. Representatives from the Community as designated by the Punong Barangay, preferably a member of the Barangay Council for the Protection of Children (BCPC). For private schools, a representative from the Community provided in the preceding number shall be selected.

In addition to their duties and responsibilities provided by Deal(b) Order No. 40, s. 2012 the CPC shall perform the following tasks:

1. Conduct awareness-raising programs with school stakeholders in promoting anti-addressing bullying;

2. Ensure that the anti-bullying policy adopted by the school is implemented;

3. Monitor all cases of bullying and conduct fact-finding investigations to determine the nature, gravities (causes or circumstances) or any person designated to handle prevention and intervention measures mentioned by the preceding sections of this IRR; and

4. Make the necessary referrals to appropriate agencies, offices or persons, as may be requested by the circumstances.

Section 10. Procedures in Handling Bullying Incidents in Schools

A. Jurisdiction.

Complaints of bullying and other acts under this IRR shall be within the exclusive jurisdiction of the Department or the private school and shall not be brought for adjudication before the Barangay, subject to existing laws, rules and regulations. Complaints may be presented to other state and local offices and the appropriate authorities.

B. Procedures.

Consistent with Sections 5 and 6 of the Act, all public and private kindergarten, elementary and secondary schools shall adopt procedures as follows:

1. Immediate Response

1. The victim or anyone who witnesses or has personal knowledge of a bullying incident or retaliation shall immediately call the attention of any school personnel.

2. The school personnel who was notified of a bullying incident or retaliation shall intervene, by:

1. Stopping the bullying or retaliation immediately;

2. Separating the students involved;

3. Removing the victim to an appropriate space, the bully or offending student, from the site;

4. Ensuring the victim's safety; by

2. Determining and addressing the victim's immediate safety needs

1. Providing immediate medical or psychological intervention in the case of physical injury

2. Bringing the bully to the Guidance Office or the designated school personnel

3. Bringing the bully to the Guidance Office or the designated school personnel

3. Reporting the Bullying Incident or Retaliation

1. A victim or a bystander or a school personnel who receives information of a bullying incident or retaliation, or any person, who witnesses or has personal knowledge of any incident of bullying or retaliation, shall report the same to the appropriate school personnel, who is required to document the incident in the bullying logbook.

2. The bullying incidents or retaliation shall be immediately reported to the school head. The designated school personnel shall inform the school head within two (24) hours from the time of the incident. The school head or the designated school personnel shall inform the parents of the victim and the bully about the incident within two (24) hours.

3. If an incident of bullying or retaliation involves students from more than one school, the school that was first informed of the bullying or retaliation shall immediately inform the appropriate administrator or school head of the other school of the bullying or retaliation.

4. Reports of incidents of bullying or retaliation initiated by persons who prefer anonymity shall be entertained, and the person who reported the incident shall be afforded protection from possible retaliation; provided, however, that no disciplinary action shall be taken against the person who reported a bullying incident or retaliation unless the report is a malicious or unscrupulous report and plus other offenses.

4. First Chisling and Documentation

The school administrator, principal or school head, or guidance counselor/teacher, or school personnel in person designated to handle bullying incidents shall:

1. Separately interview to protect the bully or offending student and the victim;

2. Determine the levels of threats and develop intervention strategies. If the bullying incident or retaliation in the situations the regards immediate attention, and if it constitutes, or the total of the incidents, aggravated, action shall be taken by the school within twenty four hours (24) from the time of the incident.

3. Inform the victim and his parents or guardian of the steps to be taken to prevent any further acts of bullying or retaliations; and

4. Make appropriate recommendations to the Child Protection Committee on proper interventions, referrals and remedies.

5. Intervention

The CPC shall determine the appropriate intervention programs for the victim, the bully and bystanders. The School Head shall ensure that these are provided to them.

6. Referral

The school head or the Child Protection Committee may refer the victims and the bully to trained professionals outside the school for counseling and other psychological services, if the school does not have the resources to provide these services and the appropriate intervention programs have to be renovated. The school head or the designated school personnel shall notify the Women and Children's Protection Desk (WPCD) of the local Philippine National Police, if he believes that appropriate criminal charges may be pursued against the bullying or retaliating bullies.

7. Disciplinary Measures

All public and private schools shall include in their student handbook or anti-bullying policy a range of disciplinary administrative actions that may be taken against the perpetrator of bullying or retaliation.

Bullying incidents or retaliation shall be treated according to their nature, gravity or severity and attendant circumstances.

1. Minor bullying or retaliation committed by the school, gravity or severity provisions incidents of bullying or retaliation and attendant circumstances, may be considered sufficient disciplinary measures for the bully or the offending student that is proportionate to the offense committed.

2. Minor Aggravated community service, requirements, extracurricular or reparation to administrative with existing rules and regulations of the Department, the Department for public schools, and the Department of the Interior and Local Government, the imposition of such penalty, provided that the requirements of due process are complied with.

3. In addition to the administrative penalties, the school shall also be required to undergo an intervention program which shall be administered or supervised by the school's Child Protection Committee. The parents of the bully shall be encouraged to join the intervention program.

8. Post-Process

In all cases where a penalty is imposed on the offending student, the following minimum requirements of due process shall be complied with:

1. The student shall be informed of the charges against him;

2. The student 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 shall be in writing, stating the facts and the reasons for the decision; and

4. The decision of the school head may be appealed to the Division Office, on procedure in existing rules of the Department.

C. Applicability of the IRR, as amended, and other related laws

If the bullying incident or retaliation resulted in serious physical injuries or death, the case shall be dealt with in accordance with the provisions of Republic Act 9165 or the "Juvenile Justice and Welfare Act", as amended, and its Implementing Rules and Regulations, in consistent with other applicable laws, rules and regulations, as may be warranted by the circumstances attendant to the bullying incident or retaliation.

D. False Accusation of Bullying

If the student, after an investigation, is found to have knowingly made a false accusation of bullying, the said student shall be subjected to appropriate disciplinary measures, in appropriate intervention in accordance with the existing rules and regulations of the Department or the private school.

Section 11. Confidentiality

Any information relating to the identity and personal circumstances of the bully, victim, or bystander shall be treated with utmost confidentiality by the Child Protection Committee and the school personnel, except to the extent that such information may be available to the school head or administrative teacher or guidance counselor designated by the school head, and parents or guardians of students who are or have been victims of bullying or retaliation.

Any school personnel who commits a breach of confidentiality shall be subject to appropriate administrative disciplinary action in accordance with the existing rules and regulations of the Department of Education or the private school, without prejudice to any civil or criminal action.

RULE VII
MISCELLANEOUS PROVISIONS

Section 12. Training and Development

The Department shall include in its training programs courses on activities which shall provide opportunities for school administrators, teachers and other employees to develop their knowledge and skills in preventing or responding to incidents of bullying or retaliation.

Section 13. Reporting Requirements

All private and public kindergarten, elementary and secondary schools shall submit a copy of their child protection or anti-bullying policy, including their student handbook or code of conduct, to the Division Office. The Division Office shall submit a consolidated report to the Central Office of school policies or report on relevant information and statistics on bullying and retaliation from the preceding school year.

In addition to the requirements for an application for a permit to operate and/or recognition as prescribed by the existing rules of the Department, private schools shall submit a child protection or anti-bullying policy to the Regional Director. The Regional Director shall review the policy to ensure that it is consistent with this IRR and the RM.

Section 14. Sanctions for Non-compliance

14.1. Public Schools

School personnel of public kindergarten, elementary or secondary schools who fail to comply with the requirements of the Act or this IRR and be subject to administrative disciplinary proceedings in accordance with the Civil Service Rules and the relevant issuances of the Department of Education.

14.2. Private Schools

Private schools that fail to comply with the requirements of the Act or this IRR shall be given notice of such failure by the Division Office. The school head given thirty (30) days to comply. An extension of not more than one (1) month may be granted by the Regional Director or mandamus cases.

The Secretary of the Department of Education, through the Regional Directors, may suspend or revoke, as appropriate, the permit or recognition of a private school that fails to comply with the requirements under the Act or this IRR.

Section 15. Separability Clause

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

Section 16. Amendment of Deal(b) Order No. 40, s. 2012

The provisions of Deal(b) Order No. 40, s. 2012, on bullying are hereby deemed amended by this IRR. All other provisions of Deal(b) Order No. 40, s. 2012 shall remain in full force and effect.

Section 16. Repealing Clause

All and Department Orders or other issuances, or provisions thereof, inconsistent with this IRR are hereby repealed, amended or modified accordingly.

Section 17. Effectivity

This IRR shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

This IRR shall be recommended and approved by the Office of the Undersecretary Legal and Legislative Affairs.

Philippines, Bohol, Sucaran City.

Signed this 19th day of November 2013, Pasig City, Philippines.

Digit **LEN JOSHER A. LUSTRE PHD**
Secretary
Department of Education

IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 10627, OTHERWISE KNOWN AS THE ANTI-BULLYING ACT OF 2013

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RULE II

DEFINITION OF TERMS

RESOURCES

- [PDF] Implementing Rules and Regulations of Republic Act No. 10627

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