



Republic of the Philippines  
**Department of Education**  
REGION VII – CENTRAL VISAYAS  
SCHOOLS DIVISION OF NEGROS ORIENTAL

Office of the Schools Division  
Superintendent

3 FEB 2023

January 24, 2023

DIVISION MEMORANDUM

No. 85 s. 2023


**DISSEMINATION OF DEPED NEGOR CHILD PROTECTION POLICY OF 2022  
pursuant to DEPED ORDER NO. 40 S. 2012**

**To :** Assistants Schools Division Superintendent/s  
Chiefs, CID and SGOD  
Division Education Program Supervisors  
Public Schools District Supervisors/District in-Charge  
Elementary and Secondary School Heads  
District and School Child Protection Coordinators  
Guidance Counselors/Designates  
All Others Concerned

1. For the information and guidance of all concerned, this Office disseminates **DepEd NegOr Child Protection Policy of 2022** with expanded title **“Policy and Guidelines on Protecting Children in School from Violence, Exploitation, Discrimination, Bullying, and All Forms of Abuse.”**

2. All deignated **Child Protection Coordinators** are directed to conduct information dissemination and implement the same in every school they are assigned. *Herewith attach is a copy of the Policy for your reference.*

3. Immediate and wide dissemination of this Policy is desired.

  
**SENEN PRISCILLO P. PAULIN, CESO V**  
Schools Division Superintendent

1/27/23

SPP/JMA-MKP--NLR/ETS/mdp



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Republic of the Philippines  
Department of Education  
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Schools Division of Negros Oriental

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

**I. GENERAL PROVISIONS**

**Section 1. Short Title**

This Policy Shall be known as the **“DepEd NegOr Child Protection Policy of 2022”**.

**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.

The Department of Education (DEPED) recognizes that cases of abuse may arise as a result of the difficult situations faced by teachers and other officials within and outside school. Thus, 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, DepEd 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, DepEd NegOr reiterates a zero-tolerance policy for any act of child abuse, exploitation, violence, discrimination, bullying and other forms of abuse, and hereby promulgates this Division Child Protection Policy, consonant with DO 40 s. 2012, DO 55 s. 2013, RA 11313 or the Safe Spaces Act, and RA 11930 on Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM).

### **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, exploitation or discrimination because of a physical or mental disability or condition (RA 7610). For purposes of this Division Policy, 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.

**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. GAD-ORS** – Gender and Development Online Reporting System is an online reporting system solely for the collection of data on child abuse and bullying cases committed in schools pursuant to DepEd Order No. 40, s. 2012 and in consonance with the Data Privacy Act of 2012.

**J. "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;
- 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); and
- 5) work, education or training-related sexual harassment committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said act. (RA 7877 Anti- Sexual Harassment Act of 1995; RA 11313 Safe Spaces Act of 2019)

**K. "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.

**L. "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 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; and

**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.

**3. The Online Sexual Abuse or Exploitation of Children (OSAEC)**- refers to any form of communication through any platform or format between a child or any person when the child is being used for any act or activity including sexual stimulation or for the purpose of sexual gratification.

**4. Child Sexual Abuse or Exploitation Materials (CSAEM)**- refers to any presentation, whether online or offline, of a child involved or engaged in real or simulated sexual activities or depicting sexual abuse of a child as a sexual object including materials that focus on the genitalia or other parts of a child.

**M. "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:

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; and

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

**N. "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:

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.

**O. "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.



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

## **II. DUTIES AND RESPONSIBILITIES**

### **Section 4. Establishment of the Division Child Protection Committee**

A. The Division CPC shall be composed of:

1. Schools Division Superintendent (SDS)- ex-officio Chairperson
2. Child's Rights Education Desk (CRED)- Ex-officio Vice-Chairperson



3. Child Protection Unit (CPU)- Ex-officio Vice Chairperson
4. Academic Personnel Representative
5. Non-academic Personnel Representative
6. School Board Representative
7. Learner Representatives (Division Federated SSG and SPG Presidents);  
and
8. Division Federated PTA President

B. The Child Protection Committee shall have the following duties and responsibilities:

1. Conduct 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;
2. 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.
3. Organize and conduct the capacity building activities for members of the Child Protection Committee and Guidance Counselors, Teachers, other academic and non-academic school personnel, and other stakeholders;
4. Develop strategies to address the risk factors that contribute to the commission of acts of abuse, violence, exploitation, discrimination, and bullying;
5. Consolidate reports of incidents and cases submitted by District Child Protection Coordinators (CPC) in Gender and Development Online Reporting System (GADORS) and submit the same to the Regional Office;
6. Monitor and evaluate the implementation and enforcement by public and private schools of this Division Policy and such other Department Orders, related laws and regulations relative to abuse, exploitation, violence and discrimination of children;
7. 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;
8. Give recommendations to the Regional Office and devise measures to address and prohibit abuse, exploitation, violence, discrimination, and bullying or peer abuse of children, consistent with this Division Policy;



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

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

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

#### **Section 5. — 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 this Division Child Protection Policy.

D. Organize and conduct regular quarterly meeting of the Child Protection Committee of the school;

E. Conduct capacity building activities for the members of the Child Protection Committee, Guidance Counselors, GAD Coordinators, academic and non-academic school personnel, and other stakeholders including but not limited to child protection measures and protocols;

F. Ensure that the school adopts a student Code of Conduct to be followed by every pupil, student or learner whether on or off campus;

G. Conduct disciplinary proceedings in cases of offenses committed by pupils, students or learners, in accordance with an approved Student Code of Conduct based on the Contextualized Student Handbook pursuant to section 1, chapter 3, part 4 of DECS Manual of 2000;

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

I. Subject to the provisions of the Data Privacy Act of 2012, maintain and safe-keep a record of all proceedings related to bullying or peer abuse and all forms of child abuse, and submit Online Quarterly Report via the GADORS to the Division Office.

J. Adopt such conflict resolution mechanisms that respect the rights of indigenous peoples, provided that they conform to this Division Policy and they uphold the rights of the child;

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



L. Coordinate with the Department of Social Welfare and Development (DSWD) 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, for counseling;

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

## **Section 6. 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. Support, educate and instruct them by right precept and good example;

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

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

E. Represent them in matters concerning curricular and co-curricular interests;

F. Inculcate the value of respect and obedience;

G. 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;

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

I. School personnel shall also strictly comply with the school's Child Protection Policy.



Pursuant to Section 1 of RA 9710 also known as the Magna Carta Of Women, no female student shall be expelled, dismissed, suspended, refused or denied of admission, or forced to take a leave of absence in any educational institution solely on the grounds of pregnancy outside marriage during her school term.

### **Section 7. 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. Joining school-based or community-based fraternities and sororities or any similar form of organizations, and all organizations created or formed contrary to law;

ii. 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;

iii. Doing any act that is inappropriate or sexually provocative;

iv. Participating in behavior of other students that is illegal, unsafe or abusive;

v. Marking or damaging school property, including books, in any way;

vi. Engaging in fights or any aggressive behavior;

vii. 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

viii. 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 Division Policy.

B. Conduct themselves in accordance with their levels of development, maturity, and demonstrated capabilities, with 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 and abide with the Student Code of Conduct.

### **Section 8. Establishment of the School Child Protection Committee**

A. The CPC shall be composed of the following:



1. School Head/Administrator — Chairperson
2. Guidance Counselor/ Designate — 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. In accordance with this Division Policy, adopt 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;
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.
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;
6. Assist parents or guardians, whenever necessary in securing expert guidance counseling and professional help 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 accredited 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 9. 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 but not limited to 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.

Trainings/webinars for teaching and non-teaching personnel school leaders, parents, learning facilitators, and community education volunteers, are chargeable against Maintenance and Other Operating Expenses (MOOE), other local funds, and Special Education Fund (SEF), pursuant to section 2.1.6 of DepEd-DBM-DILG Joint Circular no. 002 s. 2020.

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

#### **School Officials and School Personnel**

- a. Capacitate school administrators, academic and non-academic personnel to focus on children's rights, child development and positive non-violent approaches in teaching and classroom management; and
- b. Encourage and support the formation and initiatives of support groups among teaching and non-teaching staff, parents and guardians;

#### **Parents and Guardians**

- a. Integrate education sessions on corporal punishment and positive discipline during Parents-Teachers Association (PTA's) Assemblies;
- b. Implement specific parenting orientation sessions and other activities with parents and guardians; and
- c. Implement 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.

#### **Students and Learners**

- a. Encourage and support student-led initiatives to raise awareness on children's rights, corporal punishment and positive discipline; and



- b. Set 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 10. 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 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 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 11. 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 measures, in lieu of punitive measures, in accordance with the principles of Positive and Non-Violent Discipline.

**Section 12. 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 13. Prohibited Acts**

The following acts, as defined in Section 3 of this Policy, 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; and
6. Any analogous or similar acts.

**Section 14. 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. 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 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.

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, RA 7877, RA 11313 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; and
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 to the Office of the Undersecretary for Legal and Legislative Affairs and the Undersecretary for Regional Operations

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 15. Jurisdiction.** Complaints of child abuse, violence, discrimination, exploitation, bullying and other acts of abuse under this Division Policy 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 16. 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.

In handling and processing child abuse cases, the following shall be observed:

All the data in the intake sheet (Annex "A") shall be filled except:

- i. Name of the victim in item 1, which shall only be identified by his/her Learner's Reference Number (LRN); and
- ii. Details of the case in item 2 must be limited only to the attached narrative of the victim/s. In cases where the victim/s is/are unable to write a narrative statement, his/her statement may be video recorded or audio recorded.

**Section 17. 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.

**Section 18. Complaint against school personnel or official in Private Schools.** 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 process. The administrative case shall be without prejudice to any civil or criminal case that may be filed.

**Section 19.** The private schools shall submit their consolidated report, as mandated under D.O. 40, s. 2012, to the Division Office after each school year.



## **VI. REFERRAL AND ASSESSMENT OF VICTIMS, OFFENDERS AND OTHER CHILDREN**

**Section 20. Referral and Assessment.** In all cases involving child abuse, violence, exploitation, discrimination, bullying and other acts of abuse, the CP Coordinator shall accomplish the Intake Sheet (Annex "A"). 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 21. 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.

**Section 22. — Effectivity.** This Division Policy shall take effect immediately upon approval by the Schools Division Superintendent.



DEPARTMENT OF EDUCATION  
DIVISION OF NEGROS ORIENTAL

INTAKE SHEET

I. INFORMATION:

A. VICTIM:

Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_  
Gr./Yr and Section: \_\_\_\_\_ Adviser: \_\_\_\_\_

Parents/Guardian:

Mother: \_\_\_\_\_ Age: \_\_\_\_\_  
Occupation: \_\_\_\_\_  
Address: \_\_\_\_\_

Father: \_\_\_\_\_ Age: \_\_\_\_\_  
Occupation: \_\_\_\_\_  
Address and Contact Number: \_\_\_\_\_

B. COMPLAINANT:

Name: \_\_\_\_\_  
Relationship to Victim: \_\_\_\_\_  
Address and Contact Number: \_\_\_\_\_

C. RESPONDENT:

C-1. If respondent is a School Personnel

Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_  
Address and Contact Number: \_\_\_\_\_

C-2. If respondent is a Student

Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_  
Gr./Yr. and Section: \_\_\_\_\_ Adviser: \_\_\_\_\_

Parents/Guardian:

Mother: \_\_\_\_\_ Age: \_\_\_\_\_  
Occupation: \_\_\_\_\_  
Address and Contact Number: \_\_\_\_\_

Father: \_\_\_\_\_ Age: \_\_\_\_\_  
Occupation: \_\_\_\_\_  
Address and Contact Number: \_\_\_\_\_



**II. DETAILS OF THE CASE:**

**III. ACTION/S TAKEN:**

1.

2.

3.

**IV. RECOMMENDATIONS:**

1.

2.

3.

Prepared by:

\_\_\_\_\_  
Signature over Printed Name

\_\_\_\_\_  
Designation

\_\_\_\_\_  
Date