

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY
Cotabato City

Third Regular Session

BTA Bill No. 122

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
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Introduced by:
HON. ZIAUR-RAHMAN ALONTO ADIONG
HON. ABDULRAOF A. MACACUA, HON. EDUAR U. GUERRA
HON. ABDULLAH B. HASHIM

AN ACT GRANTING PERMANENT STATUS FOR NON LICENSURE EXAM
FOR TEACHERS (LET) PASSERS UNDER CERTAIN CONDITIONS, WHO
HAVE RENDERED AT LEAST TEN (10) YEARS OF EFFICIENT SERVICE
TO THE REGION, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Civil Service Commission (CSC) Memorandum Circular (MC) No. 14, s. 2018 or the 2017 Omnibus Rules on Appointments and Other Human Resource Actions (ORAOHRA), Revised 2018 defines provisional appointment as:

“**Provisional** - an appointment issued to an appointee who meets all the requirements of the position except the eligibility but only in the absence of a qualified eligible actually available who is willing to accept the appointment, as certified by the Schools Division Superintendent. The appointment may be subject to reappointment (renewal). Scholarship-graduates of the Merit Selection Program of the Department of Science and Technology – Science Education Institute (DOST-SEI) shall be allowed to teach on provisional status, which appointment may be renewed every school year but not to exceed four (4) years.

The issue of provisional/temporary teachers continues to haunt the education sector since the passage of Republic Act No. 7836, otherwise known as the “Philippine Teachers Professionalization Act of 1994,” which provides for the standardization of professional teaching at the level of Basic Education. While measures were legislated to resolve this issue and provide mechanisms that would allow the transition of provisional teachers to regular teachers, the problem continues to persist.

In the case of the defunct Autonomous Region in Muslim Mindanao (ARMM), Muslim Autonomy Act No. 303, otherwise known as the “Strengthened Basic Education Act in ARMM of 2012” provides for mechanisms in which provisional teachers may be given permanent status either through their years of service, or a moratorium for which they may take the Licensure Exam for Teachers (LET). Unfortunately, the problem still persisted and is now inherited by the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).

On May 31, 2020, the Ministry of Basic, Technical, Higher Education (MBTHE) released Memorandum Order No. 154 and No. 194-B with the subject Cease and Desist Order, affecting about 828 provisional teachers of the region. The Civil Service Commission – BARMM and the Bangsamoro Attorney General’s Office both affirmed that the memoranda were consistent with Rule IV of the ORAOHRA. Under this rule, provisional or temporary appointment is good only for one year. However, the affected provisional teachers have stayed in their positions for almost or more than two decades.

As a compromise and in view of the COVID-19 pandemic, the MBTHE allocated humanitarian assistance amounting to Php 190,980,000.00 intended for the affected teachers who were willing to re-apply and work for one (1) year under contract of service. Part of the budget included Php 10-Million LET Review program, an appeal for the PRC to conduct special LET exam, Php 15,000.00 monthly salary, and some additional funds for administrative assessment activity.¹

With the passage of Bangsamoro Autonomy Act No. 18, otherwise known as the “Bangsamoro Education Code of 2021,” expectations were high that this would once and for all resolve the issue, unfortunately, the law remains silent and offers no remedy or mechanisms for the integration of provisional teachers to the professional service.

In consideration of the challenges brought upon by the ongoing COVID-19 pandemic and the transition from ARMM to BARMM, this measure aims to recognize the expertise and contributions of provisional teachers who have been rendering continuous service for at least ten (10) years to the region. By granting them permanent status under certain conditions, the authors believe that this would be the most just recourse to resolving this issue and ensure that they continue to contribute to the development of the Bangsamoro. Furthermore, this proposed measure also provides for other mechanisms that would facilitate the integration of provisional teachers not meeting the 10-year of continuous service criteria to the professional teaching services.

In view of the foregoing, this representation is seeking the support of his colleague for the immediate passage of this Bill into law.


HON. ZIAUR-RAHMAN ALONTO ADIONG
Member of the Parliament

¹ <https://bangsamoro.gov.ph/news/latest-news/court-favors-mbhte-contracts-offered-to-provisional-teachers/>

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Be enacted by the Bangsamoro Transition Authority in Parliament assembled:

Section 1. This act shall be known as the “Provisional Teachers Act of 2021.”

Section 2. All non-Licensure Exam for Teachers (LET) passers who have served the defunct DepED-ARMM for at least ten (10) years shall be given permanent status in recognition of their expertise and years of service, Provided that the following conditions be satisfied for them to be qualified for the position in plantilla:

1. Teacher must have rendered a continuous service to the defunct DepED-ARMM of at least 10 years in teaching prior to the effectivity of this act;
2. He/She must pass the qualifying exam provided the Ministry of Basic, Technical and Higher Education (MBTHE) - BARMM;
3. Other conditions as may be deemed necessary.

Granting that an applicant has satisfied all the above conditions, this will only grant him/her a permanent position but cannot be promoted unless he/she pass the LET Exam.

Section 3. All non-holders of Professional Teachers License employed under the defunct DepEd-ARMM who have rendered continuous service for less than ten (10) years shall be required to take the LET. Those who fail to pass such examination within two (2) years upon the promulgation of this Act shall be replaced with LET passers.

Section 4. Graduates of science, mathematics, statistics, engineering, music, and other degree courses with shortages of in qualified LET applicants to teach in their specialized subjects in the elementary and secondary education may be hired: Provided, that they pass the LET within five (5) years after their date of hiring;

Provided, further, That if such graduates are willing to teach on part-time basis, the provisions of LET shall no longer be required.

Section 5. The MBTHE shall promulgate the Implementing Rules and Regulations within ninety (90) days after the approval of this Act.

Section 6. All laws, decrees, and executive orders inconsistent with this Act are hereby repealed or modified accordingly.

Section 7. In the event that any part or parts of this Act is declared unconstitutional, other parts not so declared shall remain valid and effective.

Section 8. This Act shall take effect fifteen (15) days from the day of its publication.

Approved, _____, 2021.

AUTHOR:



HON. ZIAUR-RAHMAN ALONTO ADIONG
Member of the Parliament