Sangguniang Kabataan Federation
OFFICE OF THE SK FEDERATION PRESIDENT

"AN ORDINANCE INSTITUTING MEASURES TO COUNTERACT BULLYING COMMITTED AMONG ELEMENTARY PUPILS AND HIGH SCHOOL STUDENTS IN THE MUNICIPALITY OF TAYTAY RIZAL".

DRAFT ORDINANCES NO: __, Series of 2019

Sponsored by: Hon. Jannah Roa DP. Dazo

WHEREAS, the Child and Youth Welfare Act of the Philippines states that every child has the right to a well-rounded development of his personality to the end that he may become a happy, useful and active member of society;

WHEREAS, the House of Representatives had approved the **Anti-Bullying Act of 2012** which mandates elementary and secondary schools to adopt policies to prevent and address the acts of bullying in their institution;

WHEREAS, Section 16 of the Local Government Code of 1991 (R.A. 7160) so provides that local government units shall exercise its powers expressly granted, and those that are necessarily implied there from, which are necessary and essential to the promotion of the general welfare of its inhabitants;

WHEREAS, other countries have reported several cases of children committing suicide or criminal activities as a result of bullying and the municipal government aims to prevent such cases happening in the Municipality of Taytay;

WHEREAS, in line with its vision to become a habitable Heritage Municipal of choice, the Municipal Government of Taytay aims to create an environment that is ideal for the growth and development of its Taytayenos children;

WHEREAS, the Municipality of Taytay intends to eradicate any form of bullying that might cause harm and hopelessness amongst its children which may result to injury or even death.

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the Sangguniang Bayan of the Municipal of Taytay in session duly assembled that:

SECTION 1. TITLE: This ordinance shall be known as *"The Anti-Bullying Ordinance of the Municipality of Taytay ."*

SECTION 2. DECLARATION OF POLICY

It is hereby declared the policy of the Municipality Government of Taytay to create a habitable municipal that will protect the security and well-being of its children from any forms of bullying and improper influences, hazards and other conditions or circumstances prejudicial to a child's physical, mental, emotional, social and moral development.

It is also the policy of the Municipal Government of Taytay to ensure that the rights of any child to privacy is not and will not be hampered or curtailed other than what is necessary. Thus, in the enactment and implementation of this Ordinance, the Municipal Government of

Taytay affirms its adherence for every child's right by safeguarding not only the victim but also the offender's rights. All processes to be used for cases on bullying must include representation from parents, students, school district and school staff and administrators, volunteers who have significant contact with students and community representatives.

SECTION 3. DEFINITION OF TERMS . For the purpose of this Ordinance, the following terms shall mean:

a) Student – a learner who is enrolled in the K-12 program.

b) School Personnel – person/s working for an educational institution, which includes the following:

- **Teaching or Academic Staff** – persons engaged in actual teaching and/or research assignments either on full-time or part-time basis in all levels of educational system.
- **School Administrators** - persons that occupy policy implementing positions relative to the functions of the school in all levels. They also have the discretion to provide the relative sanctions in case of policy violations.
- **Academic Non-Teaching Personnel** – persons holding some academic qualifications and performing academic functions directly supportive of teaching, such as supervisors, registrars, librarians, research assistants, research aides and similar staff.
- **Non-Academic Personnel** – school personnel not falling under the definition and coverage of teaching and academic staff and academic non-teaching personnel.

c.) Legal Guardian- is those who is such by provision of law without need of judicial (i.e. court) appointment. d. Judicial Guardian- is a guardian appointed by the court to represent the minor in all of latter's civil acts and transactions.

SECTION 4. ACTS OF BULLYING

I. Bullying means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that which:

a) Is reasonably perceived as being motivated either by an actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic;

b) Takes place on school premises or outside the school premises, at any school sponsored function, or any school property (school bus, school utility vehicles, etc)

c) Substantially disrupts or interferes with the orderly operation of the school or impairs the rights of other students;

d) Has the effect of physical or emotional harm to a student or students, or damage to a student's property or of placing a student in a reasonable fear of physical or emotional harm;

e) Has the effect of insulting or demeaning any student or students;

f) Creates a hostile educational environment for a student by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student's person.

II. The following are acts of bullying behaviours and their examples but are not limited to:

a. Physical Bullying – Physical bullying occurs when a person uses overt bodily acts to gain power. These include:

1. hitting, punching, shoving, pushing, kicking, slapping, tickling, headlocks, tripping, spitting;
2. pranks that may cause injury or embarrassment to a student;
3. forcibly taking a personal belonging from a student or damaging other people's personal belongings;
4. and the use of weapons to harm or scare

b. Verbal Bullying – Verbal bullies intimidate and harm their victims by using words. These include:

1. relentless insults and teasing, commenting negatively on a person's looks or body, clothes, and status;
2. spreading malicious and nasty rumours ;
3. taunting, name calling, shouting of indecent languages;
4. verbal threats;
5. slanderous statements and accusations
6. homophobic or racists slurs

c. Emotional / Psychological Bullying - involves the repeated and intentional use of words or actions which can cause psychological harm. These include:

1. intimidation, manipulation and stalking;
2. embarrassing a student on account of his religion, sexual orientation, physical appearance or financial status;
3. face making, threatening gestures or looks;
4. Passing notes, letters or drawings;
5. Writing remarks in public places;
6. Using peer pressure to intimidate;
7. demeaning, ridiculing;
8. directing indecent languages or profanity at a student.

d. Sexual Bullying - any bullying behaviour that uses sexual messages or actions to make a person feel intimidated, small or uncomfortable.

1. making sexual jokes, comments, or gestures to or about someone;
2. spreading sexual rumors (in person, by text, or online);
3. writing sexual messages about people on bathroom stalls or in other public places;
4. showing someone inappropriate sexual videos or pictures;
5. posting sexual comments, pictures, or videos on social networks or social media like Facebook, or sending explicit text messages;
6. making sexual comments or offers while pretending to be someone else online;
7. touching, grabbing, or pinching someone in a deliberately sexual way pulling at someone's clothing and brushing up against them in a purposefully sexual way (Ordinance instituting measures to counteract bullying in the Municipal of Taytay. .)

e. Cyber bullying - is bullying that takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. These include:

1. a text message, tweet, or response to a status update on any social networking sites that is harsh, mean, or cruel;

2. impersonating a victim online or posting personal information, photos, or videos designed to hurt or embarrass another person;
3. rumours and threats sent by email or posted on social networking sites

SECTION 5. SPECIAL PARENTAL AUTHORITY – The school, administrator, teachers and its personnel shall have special parental authority and responsibility over the students while under their supervision, instruction or custody. Authority and responsibility shall apply to all activities of the school whether inside or outside its premises.

SECTION 6. CREATION OF AN ANTI-BULLYING COMMITTEE - All elementary and secondary schools in the Municipal of Taytay shall create and convene an Anti-Bullying Committee that shall establish policies to address the existence of bullying in their respective institutions, investigates incidents of bullying and recommend the necessary actions to be taken for the resolution of a bullying incident.

The committee shall be composed of the following:

- Chairperson – SB Committee for Education
- Vice Chairperson - Principal
- President, Parents-Teachers Association
- Members:
  1. Guidance Councilor
  2. President of Student Council
  3. Barangay Captain or Barangay Kagawad Chairman on the Committee on Education where the school is located President of Faculty Association.

SECTION 7. ADOPTION OF SCHOOL ANTI-BULLYING POLICIES .

The intent of this section is to create a standard procedure to prevent report, investigate and respond to bullying incidents of students inside and outside school premises.

The policies to be adopted shall be reviewed /updated annually and at least shall:

a. Include a provision that shall prohibit the following acts:

1. Acts of Bullying on school grounds, property immediately adjacent to school grounds, at school-sponsored or school-related activities, functions or programs whether on or off school grounds, at school bus stops, on school buses or other vehicles owned, leased or used by a school, or through the use of technology or an electronic device owned, leased or used by a school;

2. Acts of Bullying at a location, activity, function or program that is not school related and through the use of an electronic device that is not owned, leased or used by a school if the act or acts in question create a hostile environment at school for the victims, infringe on the rights of the victim at school, or materially and substantially disrupt the education process or the orderly operation of a school;

3. 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.

b. Establish clear procedures for school personnel, students, parents, guardians and others to report acts of bullying or retaliation;

c. Include a provision that reports acts of bullying or retaliation may be made anonymously, provided however, that no disciplinary administrative action shall be taken against a student solely on the basis of an anonymous report;

d. Establish clear procedures for promptly responding to and investigating reports of bullying or retaliation;

e. Identify the range of disciplinary administrative or appropriate remedial actions that may be taken against a perpetrator for bullying or retaliation which shall be commensurate with the nature and gravity of the offense;

f. Establish a clear procedure for restoring a sense of safety for a victim and assessing the student's need for protection;

g. Establish strategies to protect from acts of bullying or retaliation a child who reports bullying, provides information during an investigation of bullying or is a witness to or has reliable information about the same;

h. Establish procedures for promptly notifying the parents or guardians of a victim and the perpetrator. The parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying. The said procedures must also provide for immediate notification to the law enforcement agency where criminal charges may be pursued;

h. Include a provision that a student who knowingly makes a false accusation of acts of bullying shall be subject to disciplinary administrative action;

i. Include a strategy for providing a counselling or referral to appropriate services for perpetrators and victims including the parents or guardians of said students;

j. Include provision that will educate parents and guardians about anti-bullying policies of the school; how parents and guardians can provide, support, and reinforce such policies at home; the dynamics of bullying; and online safety and cyber-bullying.

All elementary and secondary schools shall provide students and their parents or legal or judicial guardians a copy of the anti-bullying policies being adopted by the school. Such policies shall likewise be included in the school's student and/or employee handbook and shall be conspicuously posted on the school bulletin boards and website if there is any.

Failure of the Anti-Bullying Committee to formulate Anti-Bullying Policies within six (6) months from the date of its creation shall be liable administratively.

SECTION 8. IMPLEMENTATION OF THE POLICIES

The school administrators shall be responsible for the implementation and oversight of policies intended to address bullying.

Any school, administrator, teacher or personnel, student, parent or volunteer shall immediately report any instance of bullying or act of retaliation witnessed or that has come to one's attention to the school administrator or school officer or person designated by the same to handle such issues, or both. Upon receipt of such a report, the school administrators or the designated school officer or person shall promptly investigate it. If it is determined, that acts of bullying, retaliation has occurred, the school principal or the designated officer, or person shall:

a) Inform the parents of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counselling and other intervention services.

b) Initiate an investigation of the incident, which shall be conducted by the Anti Bullying Committee;

c) Notify the law enforcement agency if the school administrators or designee believes that criminal charges may be pursued against a school personnel for instigating, initiating, or bringing about acts of bullying between students, or shall will fully fail, obstruct, impede or frustrate to report to the same;

d) Take appropriate disciplinary administrative action against the perpetrator; In acts of bullying or retaliation involving students from more than one school, the

school who is informed or who discovers of the bullying incident shall promptly notify the appropriate administrator of the other school so that both may take appropriate action.

SECTION 9. CIVIL AND CRIMINAL LIABILITIES FOR ACTS OF BULLYING

Those persons given the authority and responsibility under the provisions of this ordinance shall be principally and solidarity liable for damages caused by acts of bullying to a student as provided for in Section 4 (Acts of Bullying) of this ordinance. The parents, judicial/legal guardians or the persons exercising substitute parental authority over said student shall be subsidiarity liable.

The respective liabilities of those referred to in the preceding paragraph shall not apply if it is proved that they exercised due and proper diligence required under the particular circumstances.

All other cases not covered by this ordinance shall be governed by the provisions of the Civil Code of the Philippines on quasi-delicts.

SECTION 10. PENALTY CLAUSE.

The penalty of fine ranging from **One Thousand Pesos (P1,000.00)** to **Two Thousand Pesos (P2,500.00)** shall be imposed to any school administrator, teacher or personnel who shall instigate, initiate or bring about acts of bullying between or among students. Furthermore, same penalty shall be imposed to any school administrator, teacher or personnel who shall will fully fail, obstruct, impede, or frustrate to report any acts of bullying within their knowledge as provided for in Section 8, paragraph 2 (a-d) of this ordinance to the proper school authority.

SECTION 11. REPEALING CLAUSE

All ordinances, rules and regulations or parts thereof in conflict with this ordinance are hereby repealed, provided that the rights that are vested upon the effectivity of this Ordinance shall not be impaired.

SECTION 12. SEPARABILITY CLAUSE

Should any provision, section or part of this ordinance declared as invalid by any court of competent jurisdiction, such judgement shall not affect or impair the remaining provisions, section or parts hereof which shall continue to be in full force and effect.

SECTION 13. EFFECTIVITY CLAUSE

This ordinance shall take effect upon approval