



Tanggapan ng Kalihim
Office of the Secretary

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**REVISED IMPLEMENTING GUIDELINES ON THE OPERATION
AND MANAGEMENT OF SCHOOL CANTEENS IN PUBLIC
ELEMENTARY AND SECONDARY SCHOOLS**

To: Bureau Directors
Regional Directors
Directors of Services, Centers and Heads of Units
Schools Division/City Superintendents
Heads, Public Elementary and Secondary Schools

1.0 PURPOSE

These guidelines are hereby issued in order to rationalize the operation and management of school canteens in our public school system and to ensure that:

- 1.1 The establishment of school canteens shall serve as a support mechanism in the effort of the school to eliminate malnutrition which affects the academic performance of the pupils/students.
- 1.2 The school canteen shall serve as a venue for the development of desirable food eating habits of the learners.
- 1.3 The school canteen shall continue to operate as a laboratory for Home Economics, retail trade and in the incidental teaching of health and nutrition values. It shall further provide hands-on training for students on planning, purchasing, handling and storage, preparation, serving and sale of safe and nutritious meals.
- 1.4 Service should be the main consideration for operating a school canteen. Profit shall only be secondary since the clientele are pupils/students who are dependent only upon their meager allowance.
- 1.5 Proper reporting and accounting of the proceeds from the operation of a school canteen shall be made by the parties concerned to emphasize transparency and accountability.

2.0 COVERAGE

These guidelines shall apply to school canteens operating in public elementary and secondary schools of the Department of Education.

3.0 DEFINITION OF TERMS

As used herein, the following terms shall be understood to mean:

3.1 **School Canteen** - refers to one of the ancillary services in the school that sells food items to the pupils/students and serves as a support mechanism in the effort to eliminate malnutrition among the learners. A school canteen will also be used as a laboratory for education and training of the pupils/students. A school canteen may include a consumers' store section within its premises that sells consumer goods such as grocery items, school supplies, toiletries, etc., subject to the following limitations:

- (a) such establishment of a consumers store section will not entail the use of another classroom; and
- (b) the area which may be utilized for this purpose will not be more than one-eighth (1/8) of the entire floor area of the canteen.

In this regard, a school canteen may be classified into a school-managed canteen and/or a teachers' cooperative-managed canteen.

3.2 **School-managed Canteen** - refers to a school canteen that is operated by the school under the general supervision of the school principal/administrator. It may also include a sub-type of a school-managed canteen that is run and operated by the duly recognized students' organization in the school as authorized under DepED Orders/Memoranda.

3.3 **Teachers' Cooperative-managed Canteen** – refers to a school canteen that is operated and managed by a duly registered teachers' cooperative the membership of which shall be composed of more than fifty percent (50%) of the teaching and non-teaching personnel in the school.

3.4 **Cost of goods sold** - is equal to the inventory at the beginning of the year, adding the cost of goods manufactured or purchased during the year, minus the inventory at the end of the year.

3.5 **Gross Income** – is equal to the net sales reduced by the cost of goods sold including the cost of production. It measures the difference between the net revenue realized from the sale of goods and their cost.

- 3.6 **Selling Expense** – refers to expenses of promoting, selling, and distributing products which may include such items as advertising, sales commission, delivery expenses, sales, used supplies, travel expenses and entertainment.
- 3.7 **Administrative Expenses** – refers to general expenses of business administration such as officers' salaries, personnel/staff salaries, office supplies used, taxes, water and electric bills, insurances, etc.
- 3.8 **Canteen teacher** – It shall refer to a teacher who has been designated additional work to supervise laboratory classes in the school-managed and teachers' cooperative-managed canteens for not more than three (3) hours per day. The aforesaid teacher shall not be totally stripped of academic teaching load as provided by existing policy, rules and regulations on the matter during his/her designation as a canteen teacher.

4.0 POLICY STATEMENTS

- 4.1 School canteens shall be classified into two types: (1) school-managed canteen; (2) teachers' cooperative-managed canteen.
- 4.2 The school-managed canteen shall be supervised by the Home Economics department under the general supervision and control of the school principal/administrator utilizing school resources/capital. This type of canteen also includes school canteens that are being operated by students' organizations, i.e. YECS, as part of their co-curricular activities in public secondary schools, provided that these student organizations are mandated and authorized to operate a canteen by DepED Orders and Memoranda and that these organizations shall comply within the general requirements hereinafter set forth.
- 4.3 The teachers' cooperative-managed canteen shall be managed by the duly registered teachers' cooperative that complies with the requirements hereinafter set forth.
- 4.4 As a rule, enrolment size shall be the basis in determining the type of school canteen that may operate in a given school. If any school comprises a total enrolment of five hundred (500) pupils/students and below, a school-managed canteen may be allowed to operate. However, in a school with a total enrolment of more than five hundred (500) pupils/students, a school-managed canteen and a teachers' cooperative-managed canteen may be allowed to co-exist and operate. In the event that a duly registered teachers' cooperative signifies its intention to operate and manage another canteen it shall be allowed to operate a

teachers' cooperative-managed canteen subject to the criteria hereinafter set forth.

5.0 PROCEDURAL GUIDELINES

- 5.1 All types of school canteens are required to secure all necessary business licenses/permits from the local government and other government entities, such as, but not limited to:
- (a) Local business permit to be issued by the Office of the Mayor;
 - (b) Local health permit to be issued by the local health department.
 - (c) Other permits related to the school canteen operation as may be required by ordinance of the local government unit concerned and as may be required by agencies of the national government.

The license and permit/s must be permanently displayed in a conspicuous place in the school canteen. They shall remain valid only for the duration of the school year.

- 5.2 Canteen personnel/staff who are involved in the preparation and serving of food and beverages shall be required to secure health certificates from proper authorities, particularly the local health department. Such certifications, together with the ID photo of the individual person shall be permanently displayed in a conspicuous place in the school canteen. The local health certificate must be renewed every year.
- 5.3 All food handlers shall undergo training and continuous education on the proper handling of food. Students who are undergoing practicum in the school canteen shall likewise be trained on food handling and safety.
- 5.4 All food handlers must wear clean and proper attire when inside the canteen premises (i.e., white shirt/polo/blouse, black pants/shirt, hairnet, apron and footwear)

6.0 TRANSPARENCY REQUIREMENT

- 6.1 All entities operating and managing a school canteen shall prepare a monthly statement of operations which shall be posted on the school's bulletin board and/or in any conspicuous place within the school canteen premises for purposes of public view and access as well as to ensure transparency. At the end of the school year, the audited annual financial statement must likewise be posted on the schools' bulletin board.
- 6.2 The school principal/administrator shall also post on the bulletin board a statement of receipts and disbursement, indicating the

share it received from the teachers' cooperative-managed canteen.

- 6.3 Donations received in cash (as goodwill money) or in kind from private suppliers of food items and beverages must be properly reported and accounted for by the school principal/administrator concerned and the teachers' cooperative. Such donations shall form a part of the gross income or earnings of the school canteens which shall be properly included in its financial statements and shall be subject to the sharing as hereinafter provided for.
- 6.4 Pro forma copies of the monthly statement of operations and annual financial statement are hereto attached as Annexes "B" and "C", respectively.
- 6.5 The school principal/administrator or his/her duly authorized representative shall receive the school share from the teachers' cooperative and issue the corresponding acknowledgment receipt duly signed by the principal, the same to be properly recorded and accounted for. Any disbursement made chargeable against such shares shall be recorded, accounted for and supported by receipts by the school principal/administrator concerned. With regard to the school's share from the net income derived from the operation of the school-managed canteen, such amount shall be properly recorded and accounted for. Any disbursement and allocation therefrom shall be recorded, accounted for and supported by receipts.

7.0 PRACTICUM ACTIVITIES

- 7.1 The school administrator shall designate a Home Economics teacher as canteen teacher who shall ensure the continued use of the school canteen as a laboratory for the students/pupils. The H.E. teacher-designee shall prepare the schedule of the pupils/students who will undergo practicum activities in the school canteen, and shall ensure that such schedule is strictly followed. The H.E teacher-designee shall also ensure the full participation of the students/pupils in the planning, purchasing, handling and storage, preparation, serving and sale of safe and nutritious meals as part of their laboratory classes. The weekly schedule of laboratory/practicum classes shall be posted on the school's bulletin board within the school canteen premises.
- 7.2 No pupil/student shall be required to serve in the school managed- canteen or teachers' cooperative-managed canteen beyond their practicum/laboratory schedule.
- 7.3 Indigent students who wish to work in the school canteen may be hired or employed as working students and shall be paid at a rate allowed under our labor laws. Employment of these students

shall only be done upon the written consent of their parents. They should only be allowed to work in the school canteen outside of their regular schedule.

8.0 SPECIFIC GUIDELINES

8.1 SCHOOL-MANAGED CANTEEN

8.1.1 Designation of a Canteen Teacher

- (a) The school principal/administrator shall designate a Home Economics teacher as canteen teacher who shall supervise the activities in the school-managed canteen, particularly the holding of laboratory classes and practicum activities in the aforesaid canteen.

The H.E teacher-designee shall perform his functions as canteen teacher particularly in supervising canteen activities and operations for a period not exceeding three (3) hours per day.

In view of this, the time used in supervising canteen activities shall be considered as teaching load. Accordingly, the designees' academic load shall be reduced or adjusted. However, in no case shall an H.E. teacher-designee be totally deprived of academic teaching load in view of his/her designation as canteen teacher.

In case of a school where there are two or more Home Economics teachers, the H.E. teacher-designee (canteen teacher) shall prepare a schedule in order that all the Home Economics teachers can participate in the supervision of the canteen activities and operations. However, the main responsibility shall still remain with the H.E. teacher-designee (canteen teacher).

8.1.2 Accounting of Funds

A book of accounts shall be maintained for recording daily transactions related to the operations of the school-managed canteen. It should be kept up-to-date and should be made available for examination and inspection at any appropriate time by the school's auditing committee or the COA representative based in the division office. Sales invoices, reimbursement expense receipts and other supporting documents should be kept as they serve as proofs of sales, purchases and expenditures. In this regard, initial accounting of sales, purchase and related expenses shall be done by the

pupils/students as part of their practicum activities under the supervision of the H.E. teacher-designee (canteen teacher).

For purposes of transparency and accountability, the school Principal/Administrator shall organize a school level auditing committee to be composed of the Mathematics department head/teacher, Home Economics Department head/teacher and the president of the faculty club. The committee shall look into the book of accounts at least once a month. The audited statement shall be posted on the school's bulletin board.

At the end of the year, the financial statement on the operations of the school canteen shall be audited by the COA representative based in the division office. The audited financial statement shall likewise be posted on the school's bulletin board.

8.1.3 Share of Proceeds

The net income derived from the operation of the school managed-canteen shall be utilized for, but not limited to the following:

Supplementary feeding for identified undernourished pupils/students	35%
Revolving capital	15%
Improvement/procurement of H.E. facilities	20%
School clinic fund	5%
Food production fund in support to the (Feeding program)	10%
School share	<u>15%</u>
	<u>100%</u>

A budget shall be prepared by the school principal/administrator reflecting the allocation of the net income derived from the operation of the school-managed canteen.

The disbursement chargeable against the net income derived from the operation shall be in accordance with the budget approved for the year, for the purpose related to the school operations and activities, and the same shall be properly recorded, accounted for and supported by receipts and proofs of disbursement in accordance with the accounting rules and regulations. Moreover, no portion of the net income derived from the operation shall be set aside and in any manner in favor of regional/division /district office.

Earnings and cash received by the school-managed canteen from the operation of the school canteen shall be deposited daily

in the nearest government depository bank. In the absence of such government depository bank, deposits may be made at private banks. For this purpose, a bank account in the name of the school shall be opened and maintained whereby the principal and the Home Economics teacher (canteen teacher) or disbursing officer shall be the joint signatories. No single person shall be allowed to make withdrawals. All bank transactions, whether it be in government or private banks, shall be properly recorded, accounted for and documented. Earnings and cash derived from the operation of the school canteen shall not be deposited into private accounts.

At the end of the year, the financial statement on the operation of the school canteen shall be audited by the COA representative based in the division office. The audited financial statement shall likewise be posted on the bulletin board and/or any conspicuous place within the canteen **OR** school premises.

Any plans of expansion of the school canteen operation shall be expressed in writing by the canteen teacher who shall submit the same to the auditing committee for study and evaluation. After a thorough study and evaluation of such expansion plan, recommendation shall be made by the aforesaid committee to the school principal/administrator for his consideration and approval.

The school principal/administrator, canteen teacher and other school employees shall be required to secure and submit clearance from money and property accountabilities in relation to their involvement on the supervision of the operation and management of school canteen before they will be allowed to retire and resign from the government service. The aforementioned personnel shall also be required to secure aforesaid clearance in case they are transferred, reassigned to another school or promoted to higher position.

8.2 **TEACHERS' COOPERATIVE-MANAGED CANTEEN**

8.2.1 **Criteria for Q̄ualification**

Any teachers' cooperative may operate and manage a school canteen **if it satisfies** the following requirements:

- a. It is duly registered with the Cooperative Development Authority (CDA) with membership composing of incumbent teaching and non-teaching staff of the school at the time of its registration with the aforesaid agency.

- b. One of its primary purposes as reflected in its Article of Cooperation, and Constitution and By-Laws is the operation and management of school canteen.
- c. It has been in existence for at least two (2) years at the time that it signified interest to manage the school canteen.
- d. It is capable of hiring a qualified, full time canteen manager and staff who are not holding civil service positions.

8.2.2 Documents required to be submitted

A teachers' cooperative, before it is allowed to operate and manage a school canteen shall submit the following documents to the school principal/administrator concerned for evaluation.

- a. Copy of its Registration with the CDA
- b. Copy of its Articles of Cooperation and Constitution and By-Laws
- c. Certificate of good standing issued by the CDA
- d. Resolution by the General Membership signifying their willingness, intention and readiness to operate and manage the school canteen.

The General Assembly Resolution must include the canteen development plan, list of proposed canteen personnel/staff including their compensation and benefits, and copies of their certificates of good health and training in food handling and safety.

Upon the approval of their application to operate and manage school canteen, the teachers' cooperative concerned must post the following documents on the schools bulletin board for information and reference of all concerned and interested parties:

- a. Article of Cooperation
- b. Constitution and By-Laws
- c. List of officers and members, and
- d. Certificate in good standing issued by CDA.

8.2.3 Memorandum of Agreement to be entered into by the parties concerned.

As a rule, a memorandum of agreement shall be entered into between the school principal/administrator and the chairman of the teachers' cooperative before it shall be allowed to commence the operation and management of the school canteen. The MOA shall have a term of three

(3) years and may be renewed to another term not exceeding three (3) years.

Upon termination of the MOA, the teachers' cooperative shall turn over all canteen facilities to the school administration.

All properties acquired by the cooperative for the operation of the canteen shall be donated to the school once the MOA is terminated and the cooperative ceases to operate the school canteen.

8.2.4 Approval of Memorandum of Agreement (MOA)

The school principal/administrator and chairman of the teachers' cooperative shall have thirty (30) days upon receipt thereof within which to sign and approve the Memorandum of Agreement (MOA).

In view of this, upon receipt of the proposed MOA by the schools principal/administrator, he shall within five (5) days make a written reply to the chairman of the Teachers' Cooperative indicating therein his comment, objection, counter proposal on the terms and conditions stipulated in the aforesaid MOA. Thereafter, within the aforesaid period of thirty (30) days, the school principal/administrator and the chairman of the teachers' cooperative shall meet and mutually agree on the terms and conditions of the MOA and the amendments, if there are any.

Failure on the part of the school principal/administrator to notify the Teachers' Cooperative concerned of his comment, objection, and counter proposal within the aforesaid period of five (5) days, shall be construed to mean that he has fully agreed with the terms and conditions stipulated therein. Hence there will be no reason for the school principal/administrator not to approve and sign the new MOA.

After the lapse of the thirty (30) day period and no MOA has been executed by the parties concerned due to refusal of the school principal/administrator to sign it without valid reason, the party aggrieved by such refusal may bring the matter by way of an appeal to the Division Superintendent concerned who, in turn shall act on it within a period of fifteen (15) days from receipt thereof. The Decision/resolution of the Division Superintendent shall be final and executory and shall not be appealable.

8.2.5 Renewal of Existing Memorandum of Agreement

The school principal/administrator and chairman of the teachers' cooperative shall have thirty (30) days upon receipt of the proposal to renew the existing MOA, execute a new Memorandum of Agreement covering the operation and management of school canteen by the Teachers' Cooperative for another term.

In order not to interrupt the operation of the school canteen managed by the Teachers' Cooperative, a written notice to renew and to continue the operation and management of the school canteen shall be submitted to the school principal/administrator at least thirty (30) days before the expiration of the original and/or existing Memorandum of Agreement together with the draft new Memorandum of Agreement. Upon receipt thereof, the school principal/administrator within five (5) days shall make a written reply to the chairman of the Teachers' cooperative indicating therein his comment, objection, counter proposal on the terms and conditions stipulated in the aforesaid MOA. Thereafter, within the aforesaid period of thirty (30) days, the school principal/administrator and the chairman of the Teachers' cooperative shall meet and mutually agree on the terms and conditions of the new MOA and the amendments, if there are any.

Failure on the part of the school principal/administrator to notify the Teachers' Cooperative concerned of his comment, objection, counter proposal within the aforesaid period of five (5) days, shall be construed to mean that he has fully agreed with the terms and conditions stipulated therein. Hence there will be no reason for the school principal/administrator not to approve and sign the new MOA.

After the lapse of the thirty (30) day period and no renewal of the MOA has been made by the parties concerned due to refusal of the school principal/administrator to sign it without valid reason, the party aggrieved by such refusal may bring the matter by way of an appeal to the Division Superintendent concerned who, in turn shall act on it within a period of fifteen (15) days from receipt thereof. The Decision/resolution of the Division Superintendent shall be final and executory and shall not be appealable.

A copy of the pro-forma Memorandum of Agreement is hereto attached as Annex "A" for reference.

8.2.6 Designation of Coordinator

The teachers' cooperative shall designate a teacher-board member who shall coordinate with the canteen teacher on the schedule of practicum activities in the teachers' cooperative-managed canteen. Food item produced by the H.E classes during their practicum may be sold in the canteen and any proceed generated from it shall form part of the revolving fund created for this purpose.

8.2.7 Use of Canteen Facilities

The teachers' cooperative may be allowed to use the existing canteen facilities rent-free for its operations. However the cost of repair, maintenance and expansion of the said facilities shall be borne by the teachers' cooperative. Separate water and light meters shall be installed in the canteen and bills covering water and electric consumed directly used in the operation and management of aforesaid school canteen shall also be borne by them.

The teachers' cooperative may allocate a small space within its school canteen premises, which shall not be more than one-eighth of the floor area, where consumer good/item be may be sold. Any proceed derived from the aforesaid transaction may form a part of gross income upon which the share of the school may be computed.

Sub-leasing the whole or part of the school canteen premises or sub-contracting the operation of the school canteen to third parties or concessionaires shall not be allowed.

The school shall be free from any liability and damages that may arise from the teachers' cooperative operation of the school canteen and use of its facilities.

The teachers' cooperative shall not allow any of its officer or member to use his/her official time in attending and supervising operation and management of the school canteen.

8.2.8 Accounting of funds

A book of accounts shall be maintained for recording daily transactions related to the operation of the teachers' cooperative-managed canteen. It shall be regularly updated and be made readily available for inspection and

examination at any time by the school principal, school auditing committee or COA representative based in the division office in order to ascertain the accurate and correct share of the school from earning or gross income resulting from the operation and management of the school canteen. Receipt and other similar documents shall be kept to support sales, purchases and disbursement made.

8.2.9 Sharing of Proceeds

The sharing of the gross income derived from canteen operation shall be eighty percent (80%) for the cooperative and twenty percent (20%) as the share of the school (80:20).

However, the school principal and the teachers' cooperative may agree on other percentage of sharing depending on the peculiar situation of the school provided that the share of the school shall not be less than twenty percent (20%).

The 20% share of the school shall be distributed/allocated as follows:

a.	Food supplementation of identified under-nourished cases	75%
b.	Administration Contingency Fund	<u>25%</u>
	TOTAL -----	100%

The teachers' cooperative shall submit to the school principal/administrator a monthly statement of the result of operation which will be used as one of the bases in computing the share of the school

9.0 CANTEEN OPERATIONS

9.1 Food Preferences and Restrictions

A variety of choices of nutrient-rich foods and fortified food products shall be made available for sale in the canteen at an affordable cost.

Food items for sale in the school canteen shall include natural foods/fortified food products that are rich in protein, energy, vitamins and minerals, particularly root crops, rice and corn products in native preparations, fruits and vegetables in season, and fortified foods especially those that bear the "Sangkap Pinoy" seal. Beverages shall

include milk, shakes and juices prepared from fruits and vegetables in season.

The sale of carbonated drinks, sugar-based synthetic or artificially flavored juices and "*junk foods*" shall be prohibited as they are detrimental to the child's health. This is pursuant to the DepED's thrust to curb the malnutrition problem in schools.

Iodized salt shall be used, in controlled quantity, to ensure that the iodine requirement of the clientele shall be met, and in order to eliminate iodine deficiency disorders. The use of mono sodium glutamate (vetsin) shall be prohibited.

All entities managing and operating school canteens, i.e. school-managed, teachers' cooperatives, student organizations, shall post their daily cooked food menu indicating their nutritional value on a bulletin board within the school canteen premises.

Sub-leasing the whole or part of the school canteen premises or sub-contracting the operation of the school canteen to third parties or concessionaires shall not be allowed.

9.2 Mark-Up Price

A reasonable mark-up price for all merchandise shall be allowed.

10. MONITORING AND ENFORCEMENT

10.1 Adherence to Food Safety

The Division Schools Superintendent shall designate a Home Economics Supervisor or a Nutritionist-Dietitian who shall conduct periodic inspection on the quality and handling of food served, canteen sanitation, and use of facilities. The designated division canteen supervisor shall ensure that food safety standards and hygienic practices are strictly implemented.

The school canteen must be well-maintained, clean, pest-free, well-ventilated and well-lighted to give a pleasant environment and sufficient time for eating while fostering good manners.

Hand-washing facilities and potable drinking water must be available in the canteen.

Foods in the canteen should be properly covered to avoid contamination.

Proper food preparation with emphasis on hygienic practices, cooking time, method of cooking and storage should be followed.

Food safety standards should be strictly enforced and adhered to at all times, especially in the preparation, handling, serving, and storage/display of food items and beverages. Procurement of food items and beverages for sale should be made from reliable sources to ensure safety.

Vendors shall not be allowed to sell or to bring-in cooked foods inside the school canteen/premises.

10.2 Monitoring

The Division Health and Nutrition Section is hereby designated to monitor adherence to the guidelines on the operation of school canteens which shall be integrated in its monitoring of health and nutrition programs and projects at the division level.

A copy of the report of the highlights of findings shall be furnished the Division Superintendent and the Regional Director.

11. GRIEVANCE MECHANISM

Complaints from parents or concerned individuals of the community pertaining to canteen management and operations, i.e. pricing, quality of food, etc., shall be filed and settled with the division grievance committee in the case of school managed canteens; and with the school grievance committee in the case of complaints against a teachers' cooperative-managed canteen. The provisions of grievance procedure under the DECS Rules of Procedure shall govern the conduct of the proceedings without prejudice to the application of other pertinent rules that may be applied suppletorily.

Any grievance arising from any form of dissatisfaction relative to the operations of the canteen which does not constitute an administrative disciplinary action shall be submitted to the appropriate grievance machinery and which shall be decided by the latter within five (5) days from the termination of the grievance proceedings. A copy of such decision and report of findings by the Grievance Committee shall be furnished the parties and Principal of the School.

in the case of dispute involving teacher's cooperative-managed canteens, any party dissatisfied with the findings of the decision of the School Grievance Committee may elevate the same to the Division Grievance Committee, whose decisions shall be final and unappealable.

12. TERMINATION OF AGREEMENT FOR TEACHERS' COOPERATIVE MANAGED CANTEEN

12.1 Any deviation from the guidelines particularly the operational practices that prove detrimental and prejudicial to the welfare of the pupils/students, teachers and the school in general, and any violation of the terms stipulated in the MOA shall be sufficient ground for the termination of the MOA and the privilege of the teachers' cooperative to manage and operate the school canteen.

For purposes of these guidelines, the following acts are considered detrimental and prejudicial to the students and pupils.

Prohibited Acts which are considered detrimental and prejudicial to the students. — The following shall constitute prohibited acts which are considered detrimental under these guidelines:

(a) Failure and/or neglect to submit financial report — The failure of the teacher-managed cooperative to submit an annual financial report within thirty (30) days after the end of each fiscal year.

(b) Sub-leasing whole or part of the school canteen premises. — The teacher-managed cooperative shall not sub-lease to any third party the whole or a part of the canteen premises. Neither shall private concessionaires be allowed to be involved in the operations of the canteen.

(c) Selling of carbonated drinks, cigarettes and/or intoxicating beverages to students and/or condoning the use thereof within the canteen premises.

(d) Failure to secure the necessary permits including annual sanitary permits as above-mentioned and to have them posted in the mentioned places.

(e) Failure to report and account for donations from private entities.

(f) Use or disbursement of canteen funds contrary to the provisions of these rules and guidelines which includes devoting or realigning said funds to any other endeavor which are not included in these guidelines.

(g) Compelling a student to serve in the canteen during his/her classes or any sanctioned school activity to which such student/pupil is a participant.

(h) Depositing the proceeds of the canteen in the name of a person not mentioned in these guidelines or into private accounts, including those in the name of the principal or teacher-in-charge.

(i) Repeated failure to deposit the proceeds of the canteen in the account of the school. Repeated failure shall mean more than three times and which shall be considered gross neglect.

(j) Failure to present upon request of the proper authorities such as the School Principal and/or the Commission on Audit, the financial documents pertaining to the operations of the canteen.

(k) The use of the canteen premises for any other endeavor not included or sanctioned by these guidelines including but not limited to the following:

(1) Using the canteen for purposes of catering services to private entities or outsiders unless otherwise sanctioned by the School Principal and for the purpose raising funds for the school and the canteen but which shall , in no case, interrupt the operations of the canteen's primordial purpose to cater to the students and faculty members of the school

(2) The use of the canteen as warehouse or stockroom of prohibited items and/or food and beverage expressly prohibited in these guidelines including all other merchandise which are not for the use of the canteen and which do not belong to the school.

(l) All other violations of the terms and conditions of the memorandum of agreement or any of the provisions of these guidelines which are analogous to the foregoing.

13.0 SANCTIONS

Any violation of the foregoing guidelines in the case of teacher-managed cooperatives shall warrant the termination of the operations of the canteen after due notice to the parties concerned which shall proceed after a summary hearing on the matter and after due process.

For other violations not mentioned in the next preceding section, which are considered simple violations, a warning shall be issued by the School Principal for the first infraction and a repeat of such violations shall warrant an investigation and shall thereafter, in the interest of the students and the pupils and the welfare of the school, be a ground to terminate the contract entered into between the parties pertaining to the operations of the school canteen.

In the case of school-managed canteens, any violation of these guidelines shall warrant appropriate administrative sanctions against the Principal and/or administrator and all other canteen teachers who are directly or indirectly involved in the operations of the school canteen and who are classified as canteen designated teachers as defined under these guidelines.

In the same manner, such violations by the school principal and/or administrator including the canteen- designated teachers shall be dealt with administratively after due notice and hearing.

In all the foregoing, such persons accountable for violations of these guidelines shall, aside from the administrative sanctions shall also be liable both criminally and civilly, when such violations warrant.

14.0 EXCLUSIVITY OF JURISDICTION

All complaints and/or grievances arising from or relative to the operations of the school canteen whether managed by the school or by the teacher's cooperative, shall, in all cases, be exclusively resolved by the office of the Schools Division Superintendent and shall not be subject to any appeal or review before the office of the Regional Director except if a palpable error or judgment has been committed which amounts to an abuse of discretion. Any complaint and/or grievance brought to the Office of the Regional Director or Office of the Secretary shall be dismissed and referred to the appropriate School or Division Grievance Committee.

15.0 VENUE OF ACTIONS

In cases of actions arising from conflicts relative to the operations of the school canteen brought before and cognizable by judicial bodies in case of civil actions, the contracting parties to the memorandum of agreement shall be encouraged to agree to the venue of the action to

be placed in the appropriate courts of the city or municipality where the school sits.

16.0 REPEALING CLAUSE

All existing guidelines, memoranda, orders and others of similar nature which are inconsistent with this Order are hereby deemed repealed and superceded.

17.0 TRANSITORY PROVISIONS

The period of operation of school canteen(s) with existing and valid contracts with private concessionaires shall upon the issuance of these guidelines, be respected pursuant to the principle of non-impairment of contracts. This is subject to the condition that such existing contracts with said private concessionaires had been contracted under fair and reasonable terms and which have not been contracted for a period exceeding one (1) year.

However, upon the expiration of such term, the principal/administrator shall not renew any contract with any private concessionaire and shall prepare the necessary transition of operations in accordance with the provisions of these guidelines.

These guidelines shall take effect immediately. Wide dissemination of this Department Order is desired.


FLORENCIO B. ABAD
Secretary

References: DECS Orders: Nos. 95, s. 1998 and 72, s. 1999
Allotment: 1 –(D.O. 50-97)

To be indicated in the Perpetual Index
under the following subjects:

CHANGE
COOPERATIVES
POLICY

Final school canteen guidelines
21 April 2005