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KAGAWARAN NG EDUKASYON, KULTURA AT ISPORTS
(DEPARTMENT OF EDUCATION, CULTURE AND SPORTS)
UL Complex, Pasig, Metro Manila

August 10, 1992

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1992 REVISED MANUAL OF REGULATIONS FOR PRIVATE SCHOOLS
(8TH EDITION)

To: Bureau Directors
Regional Directors
Presidents/Heads of Private Schools/
Colleges/Universities

1. Pursuant to the pertinent provisions of the 1987 Constitution and other applicable legislation, and upon consultation with the Coordinating Council of Private Educational Associations (CCOPEA) and other entities, this Office hereby issues the attached Eighth Edition of the Manual of Regulations for Private Schools.
2. This Manual shall apply to all private educational institutions at all levels of the system except as otherwise provided herein.
3. All school officials shall be given full responsibility in the implementation of pertinent provisions.
4. Any part or provision of this Manual which may be held invalid or unconstitutional shall not affect the effectivity and efficiency of operation and implementation of its remaining parts or provisions.
5. Any existing department orders, circulars, memoranda, or any part thereof, including the Implementing Rules and Regulations of Batas Pambansa Blg. 232 or The Education Act of 1982, which are contrary to or inconsistent with any provision of this Manual, shall be deemed repealed or modified accordingly. Any provision or regulation contained in the 1970 Manual of Regulations for Private Schools as amended, which is not mentioned in this Manual and which does not form part of any existing law shall be considered repealed.
6. This Manual of Regulations for Private Schools shall take effect beginning with the summer session of 1993.

(SGD.) ARMAND V. FABELLA
Secretary

Reference:

EPRS. Circular: No. 16, s. 1970

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

AMENDMENT

LEGISLATION

MANUAL

RULES & REGULATIONS

SCHOOLS

SOCIETY or ASSOCIATIONS

MANUAL OF REGULATIONS

FOR PRIVATE SCHOOLS

EIGHTH EDITION

Department of Education,
Culture and Sports

August 10, 1962

FOREWORD

The process of the revision of the Manual of Regulations for Private School has taken over ten years, from the time the first tentative discussions were held by Deputy Minister Albarracin with representatives of the Coordinating Council of Private Educational Associations or COCOPEA, through the Task Force on Private Higher Education under Secretary Quisumbing, and subsequently another Task Force under Secretary Carifio. Thus, the preparation has been long and thorough, which is why this present revision has been done within five weeks after my assumption of the Secretaryship.

This version reflects the thrust of deregulation of private schools which is an important hallmark of current educational policy. It is the intention of the Department to take full advantage of the unique and inherent characteristics of private schools with respect to autonomy, competition, and responsiveness. By providing private education greater flexibility within a more market-oriented system, it is hoped that they will respond with more innovative, efficient and effective programs of study and methods of governance with the end in view of improving further on the quality of graduates which would in turn be even more relevant to the needs of the economy.

An important component is the heightened role of accreditation as both a stimulus and a measure of institutional scholastic improvement. Like a number of other government agencies, the Department may not be all that qualified to monitor all the fast changing developments in the economy, both in the nature of the demand for graduates and the changing levels of technology. Hopefully, the accreditation process will provide assistance in this role, with support from the Department, and thus enable the more promising private schools to forge ahead.

Special thanks go to the various task forces and their memberships from both the Department and the private sector. The Bureau of Higher Education must be commended, and Messrs. Antonio Abad, Jose D. Bahazar, Amado Dizon, and Ulpiano Sarmiento from the educational associations deserve special mention. Without their valuable legal skills, the task of producing this version might have taken even longer.



ARMAND V. FABELLA

Secretary
Department of Education, Culture
and Sports

August 10, 1992

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MANUAL OF REGULATIONS FOR PRIVATE SCHOOLS

This Manual of Regulations for Private Schools (Eighth or 1992 Edition) is hereby issued pursuant to the pertinent provisions of the 1987 Constitution, Act No. 2706 as amended by Act No. 3075, Commonwealth Act No. 180, Batas Pambansa Big. 232 and other applicable legislation.

A. GENERAL PROVISIONS

Section 1. Title. This Manual shall be known as the Eighth Edition or 1992 Manual of Regulations for Private Schools.

Section 2. Coverage. This Manual shall apply to all private educational institutions at all levels of the educational system except as otherwise provided herein.

Section 3. Minimum Standards of Criteria. The standards or criteria provided for in this Manual are the minimum required for government recognition, and schools may adopt higher standards or criteria consistent with laws, rules and regulations.

Section 4. Definition of Terms. Except as otherwise provided, the terms below shall be construed as follows:

- a. "Government" means the Government of the Republic of the Philippines.
- b. "Department" refers to the Department of Education, Culture and Sports.
- c. "Secretary" refers to the Secretary of Education, Culture and Sports.
- d. "Bureau" refers to the Bureau of the Department which is functionally assigned on the particular level or area of concern of the educational system.
- e. "Regional Office" refers to any of the regional offices of the Department which has jurisdiction over the school or institution concerned.
- f. "School" means an educational institution, private or public, undertaking educational operations with an organized group of pupils or students pursuing defined studies at defined levels, receiving instructions from teachers, usually located in a building or group of buildings in a particular site specifically intended for educational purposes.
- g. "Private school" means a privately owned and managed institution for teaching and learning, established and authorized by the Department to operate certain educational programs in accordance with law and the prescribed policies and rules of the Department.
- h. "Foreign school", as distinguished from a Philippine school, is one that is duly established and authorized in accordance with existing Philippine laws to operate certain

education programs which are primarily and principally adhering to either universally accepted and recognized educational policies and standards or the unique differentially prescribed system of education of a particular country other than the Philippines.

i. "Government authority" means either a permit or recognition issued by the Department to a private school for the operation of a particular educational program.

j. "Educational program" refers to a specific course of studies in any of the levels of education, that is, elementary including pre-school, secondary, and tertiary or higher education, leading to either a certificate, diploma, title or degree. The tertiary or higher education level includes, among others, programs leading to the bachelor's, master's and doctoral degrees. "Pre-school" refers to those programs preparatory to Grade 1 of the elementary level. A program or course of study should be distinguished from major fields; the latter representing various fields of concentration within a degree program, but with the same common core curriculum.

k. "Department policies and rules" refers to the standards or guidelines issued or prescribed by the Department which are normally considered minimum in terms of the establishment of a private school, the operation of its educational programs and activities, and the management of its affairs.

l. "School policies and rules" means the internal governance system of each private school, including its own prescribed standards, as defined and approved by its governing body in accordance with law, and the applicable policies and rules of the Department.

m. "Members of the school community" refers to the general membership of every private school established in accordance with law and duly authorized by the Department to operate certain educational programs or courses. The term includes, either singly or collectively, the following:

(1) "Pupil" means a child who regularly attends classes in any grade of the elementary education level, including pre-school, under the supervision and tutelage of a teacher.

(2) "Student" means any person who is regularly enrolled and engaged in formal education studies and attends classes at the secondary or higher education levels.

(3) "Special Student" means any person who is eligible for a particular program, usually at the tertiary level, enrolls therein for audit purposes without earning credits.

(4) "School personnel" means the persons, singly or collectively, working in a private school. They are classified as follows:

(a) "School head" refers to the chief executive officer of a private school.

(b) "Other school officials" include other school officers, including teachers who are duly appointed to and occupying supervisory positions of responsibility involved in policy implementation in a private school.

(c) "Academic personnel" includes all school personnel who are formally engaged in actual teaching service or in research assignments, either on full-time or 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 include school officials responsible for academic matters, and may include other school officials.

(d) "Non-academic personnel" means school personnel usually engaged in administrative functions who are not covered under the definition of academic personnel. They may include school officials.

n. "Formal education" refers to the hierarchically structured and chronological graded learning experience organized and provided by the formal school system and for which certification is required in order for the learner to progress through the grades or move to higher levels. Formal education shall correspond to the levels of the elementary, secondary, and tertiary education.

o. "Non-formal education" refers to any organized school-based educational activity undertaken by the Department or by other agencies, including private schools, and aimed at attaining specific learning objectives for a particular clientele, especially the illiterate, out-of-school youth, and adults who cannot avail of formal education, distinct from and outside of the regular offerings of the formal school system.

p. "Work Education or Practical Arts" are programs of basic education aimed at developing desirable attitudes towards work and proficiency in the appropriate manual skills.

q. "Technical-Vocational Education" is any non-degree program at the post-secondary education level oriented toward skills proficiency leading to one, two, or three-year certificates in preparation for a particular occupation or group of middle-level occupations. Short-term programs of instruction, including the acquisition of technical knowledge and skills lasting a school year or less, for which academic credit is neither sought nor granted, whether at the first, second, or tertiary levels, are generally considered as technical-vocational educational activities, irrespective of the particular schools in which such programs are offered.

r. "Special Education" refers to the education of persons who are physically, mentally, emotionally, socially, or culturally different from so-called "normal" individuals, such that they require modification of school practices/services to develop them to their maximum capacity. Special education provides distinct services, facilities, curricula, and instructional materials, which are geared to pupils or students who are significantly higher or lower than the average or norm, on the basis of which special treatment is called for.

s. "Accreditation" means the process leading to the issuance of a certificate of accredited status by an organized body of educational institutions attesting to the quality or standards of a private school or to any of its educational programs or courses and to the effectiveness of the management and operations of the private school offering the program as exceeding the minimum standards or criteria for government recognition as provided for in this Manual. Accreditation shall be voluntary in nature.

1. "Deregulation" is a necessary consequence of voluntary accredited status whereby the Department accords to a private school certain benefits and advantages as may be provided for in this Manual and in applicable legislation. As used in this Manual, deregulation is not considered as absolute, but represents degrees in the liberalization of rules and regulations.

B. THE EDUCATIONAL SYSTEM

Article I. FORMAL EDUCATION

Section 5. Nature. The Constitution mandates that the State shall establish, maintain and support a complete, adequate, and integrated system of education relevant to the needs of the people and society. The State recognizes the complementary roles of public and private institutions in the educational system and shall exercise reasonable supervision and regulation of all educational institutions.

The State recognizes and adopts formal education as its main instrument to attain national educational goals and objectives. It has two equally important sub-systems: the private school system and the public school system.

Section 6. Administration. The administration of the educational system and the reasonable supervision and regulation of all educational institutions shall be vested in the Department without prejudice, however, to the charter of any state university or college.

Section 7. Levels. Formal education shall correspond to the following levels:

a. The first level or Elementary Education involves compulsory, formal education primarily concerned with providing basic education, and usually corresponds to a traditional six to seven grades, and in addition, pre-school programs. Such pre-school education normally consists of kindergarten schooling, but may cover other preparatory courses as well.

b. The second level or Secondary Education is concerned primarily with continuing basic education of the elementary level and expanding it to include the learning of employable gainful skills, usually corresponding to four years of high school.

c. The third level or Tertiary Education, also referred to as higher education, involves post-secondary schooling leading to a degree in a specific profession or discipline, such as prescribed courses of studies credited towards bachelor's, master's, and doctoral degrees. Any course of study or program of instruction, whether formal or non-formal and whether for credit or otherwise, but which requires the prerequisite completion of secondary education, is classified for purposes of this Manual as pertaining to the third level, although not necessarily as formal education.

Section 8. Objectives of Elementary Education. Elementary education shall have the following objectives:

a. To provide the basic knowledge and develop the foundation skills, attitudes, and values, including their moral and spiritual dimensions essential to the child's personal devel-

opment and necessary for living in and contributing to a developing and changing social milieu.

b. To provide learning experiences which increases the child's awareness of and responsiveness to the changes in society, and to prepare him for constructive and effective involvement.

c. To promote and intensify the child's knowledge of, identification with, and love for the nation and the people to which he belongs.

d. To promote work experience which develop and enhance the child's orientation to the world of work and creativity in order to prepare him to engage in honest and gainful work.

Section 9. Objectives of Secondary Education. Secondary education shall have the following objectives:

a. To continue to promote the objectives of elementary education, but shifting in emphasis from the mastery of basic tools of learning, expression, and understanding to the use and extension of the tools for further exploring and acquiring intellectual, social, moral and physical concepts, ideals, attitudes, and skills in order to develop the whole human being.

b. To discover and enhance, in addition, the different aptitudes and interests of the individual student so as to equip him with skills for productive endeavor and thus prepare him for work in the real world and/or for further formal studies in higher education.

Section 10. Objectives of Tertiary Education. Higher education shall have the following objectives:

a. To provide a general education program that will assist each individual to develop his potential as a human being, enhance the quality of citizen participation in the basic functions of society, and promote in each student a sense of national identity, cultural consciousness, moral integrity and spiritual vigor.

b. To train the nation's manpower in the required skills for national development, and to instill and foster the appropriate and relevant attitudes, skills, and knowledge to enable each individual to become a useful, productive and gainfully employed member of society.

c. To develop and maintain the integrity of the professions or disciplines that will provide leadership for the nation.

d. To advance the frontiers of knowledge through research work, and apply the technology gained for improving the quality of human life and responding effectively to changing societal needs and conditions.

Article II. SPECIAL EDUCATION AND NON-FORMAL EDUCATION

Section 11. Coverage. Specialized educational services shall be provided by the State to all persons who entered but failed to complete their schooling, and to special clientele-groups. Private

schools are encouraged to assist in this responsibility according to their capacity.

Section 12. Objectives of Non-Formal Education. Non-Formal education shall have the following objectives:

- a. To eradicate illiteracy and raise the level of functional literacy of the population.
- b. To provide unemployed and underemployed youth and adults with appropriate technical-vocational skills to enable them to become more productive and effective citizens.
- c. To develop among its clientele proper values and attitudes necessary for personal, community and national development.

Article III. ORGANIZATION OF THE DEPARTMENT

Section 13. Head of the Department. The Department is headed by a Secretary of Education, Culture and Sports, assisted by such Undersecretaries and Assistant Secretaries as may be necessary and provided for by law.

Section 14. Organization. The organization of the Department consists of the following:

- a. The Office of the Secretary;
- b. The Board of Higher Education;
- c. The Bureaus of Elementary Education, Secondary Education, Higher Education, Technical and Vocational Education, Non-Formal Education, and Physical Education and School Sports;
- d. The centers, namely: the National Education Testing and Research Center, the School Health and Nutrition Center, and the Instructional Materials Development Center.
- e. In addition, the Department has a number of attached agencies, such as the National Library, the National Museum, and the National Historical Institute.

Section 15. Regional Offices. The country is divided into 14 administrative regions, each of which is headed by a Regional Director who shall be responsible for Department functions performed in the regional area under his jurisdiction.

As a general rule, schools shall be responsible directly to the Regional Director of the region where the school is situated. The decision of the Regional Director is subject to appeal to the Secretary or motu proprio to his review.

Article IV. SUPERVISION AND REGULATION OF PRIVATE SCHOOLS

Section 16. Policy. All private educational institutions shall be established in accordance with law and shall be subject to reasonable supervision and regulation by the Department. No private school shall be established nor shall it operate any educational program, whether formal or non-formal, except pursuant to law and in accordance with this Manual.

Section 17. Articles of Incorporation and By-Laws. In accordance with the Corporation Code, except upon favorable recommendation of the Department, the Securities and Exchange Commission shall not accept or approve the articles of incorporation and by-laws of any educational institution.

Section 18. Establishment and Recognition Distinguished. The establishment of a private educational institution refers to the creation, founding, or organization of a school resulting in its legal existence as an institution. Recognition presumes an existing school and refers to the authorization granted by the Department for the school to conduct educational programs or operations. Establishment precedes recognition.

Section 19. Authority to Operate. Educational institutions can undertake educational operations only when so authorized by the Department. The authority to conduct educational operations is applied for and is granted by the Department through the recognition of the educational program and operations of the school. The grant of authority to operate consists of two parts: (a) the Permit phase and (b) the Recognition phase.

It will not be necessary for a school to apply for authority to operate a tertiary-level educational program which may nevertheless require the satisfactory completion of the secondary school course as a prerequisite, nor will the school be required to adhere to a prescribed curriculum, provided that: (1) the school already operates a recognized tertiary-level course of study, (2) the duration of the program does not extend beyond twelve months, and (3) no academic credit is to be given which can subsequently be used for a degree course of study. It will be sufficient for the school to notify the Department of its intention to operate the program at least three months before the proposed inception of the program, indicating (1) the proposed program of study, (2) the duration of the program and (3) the school official directly in charge of the program.

Section 20. The Permit Phase. The grant of authority to operate an educational program/course begins with the Permit phase as follows:

a. The Chairman of the Governing Board of a duly registered educational corporation, or its president or school head when so authorized by its Governing Board, shall file with the Regional Office concerned an application under oath for a permit to operate an educational program no later than the beginning of the school year prior to the desired school year when the proposed course is to be operated.

Where the school already possesses a Certificate of Recognition for other educational programs, the application for a permit shall be submitted not later than the end of October of the school year preceding that for which operation is sought.

No application will be necessary if an additional major for a course of study already under permit or recognition is being proposed. Nevertheless, the curriculum requirements for the major should be submitted, indicating those subjects which form part of the required core as well as the requirements for the major being proposed.

b. After payment of the required filing and inspection fees, inspection and evaluation and within six months after filing of the application, the Regional Director shall act for the Secretary on all applications.

The decision of the Department shall be transmitted to the applicant-school before

the end of March of the school year preceding that for which operation is sought. Any appeal or reconsideration of any application that has been disapproved may be reprocessed and reevaluated for consideration in the same school year, provided all requirements have been met.

c. The Government Permit issued to a school is valid only for a specific educational program and, while issued on a school year basis, shall remain valid until revoked for cause, except as may be otherwise provided for in this Manual.

Section 21. The Recognition Phase. A Certificate of Government Recognition for an existing course under Government Permit may be issued by the Department as follows:

a. An application for Government Recognition, signed under oath by the school head, shall be filed with the Regional Office concerned not later than end of January of the school year prior to that for which recognition is sought.

The Certificate of Recognition shall be issued at the beginning of the last curriculum year of the course.

A permit to operate which had previously been issued shall continue to be valid and considered renewed during the period where the school has already applied for recognition and the Department has not officially responded, either favorably or unfavorably, as provided for in this Section. The permit shall be valid for purposes of graduating students, while the Department has not responded in writing to the application for recognition.

b. The Regional Director, on the basis of the inspection and evaluation of the performance of the applicant-school, shall act for the Secretary on all applications for Government Recognition.

Section 22. Period of Validity of Recognition. The Certificate of Recognition granted for an educational program or course of study shall continue to be valid, unless a written order of revocation shall have been issued by the Department.

Section 23. Effects of Recognition. The issuance of a Certificate of Recognition to a school for a particular educational program/course of study have the following effects:

a. It transforms the Permit to permanent authority for the school to operate the course.

b. It entitles the school to give the students who have completed the course a certificate, title, diploma, or degree; and

c. It entitles graduates of recognized courses to all the benefits and privileges enjoyed by graduates of similar programs in all schools authorized by the government.

Section 24. Revocation/Withdrawal of Recognition. The closure of any program or course offered by a school may either be:

a. Voluntary, when the school for valid cause and on its own initiative chooses to terminate or close any of its programs or courses offered, provided such closure is undertaken at the end of a school term, and provided further that the school remains obliged to fur-

nish the necessary transfer credentials and records to the students affected by the closure, or

b. Involuntary, when the closure or termination is ordered by the Department through the revocation/withdrawal of the permit or certificate of recognition previously issued for the program or course;

Any action regarding revocation/withdrawal of the Certificate of Recognition must be for valid cause pursuant to existing laws and Department regulations and after due process, and shall be subject to the approval of the Regional Directors. The valid causes must cite the specific instances of grave violations of Department regulations.

The school must be informed by the Department in writing, by registered mail, of the substantial deficiencies or causes for proposed revocation, and shall be required to explain and/or otherwise remedy the deficiencies or violations within a reasonable period.

Revocation may be done only after reinspection and reevaluation to determine the school's performance in providing efficient, quality and relevant educational services. Revocation is done only with due process after failure of the school concerned to correct the deficiencies and/or explain satisfactorily the violations within a reasonable period.

The Certificate of Recognition may be revoked after due process if the circumstances so warrant, or reverted to a Permit to operate for a period of one school year, for any of the following causes, without prejudice to instituting appropriate actions and the imposition of appropriate sanctions against the responsible school officials:

a. Fraud or deceit committed by the school in connection with the application to the Department for Government Permit or Government Recognition.

b. Unauthorized operation of a new school or branch, or a new program or course of studies, or major components thereof.

Within sixty (60) days after receipt by the school of the notice of revocation from the Department, the school may file a request for reconsideration, indicating its responses to the specific adverse findings of the Department which led to the revocation.

Section 25. School Advertisement. Any advertisement or announcement referring to the programs or courses of study being offered which are in the permit phase shall include the words "Under Permit by the Department of Education, Culture and Sports."

It shall be unlawful for any school to advertise or cause the publication of any advertisement or announcement before a permit to operate is granted.

Section 26. Punishable Violations. The operations of any school or educational program or course of studies, the operation of a school branch or extension, whether locally- or foreign-based, the operation of any entity presenting itself as a school when it is not legally established as such, or the issuance of any certificate, degree or other title by a school without prior permit or authorization issued by the Department, are hereby declared to be punishable acts subject to civil and criminal penalties and administrative sanctions as provided by law.

It shall be unlawful for any entity or institution to offer programs or courses of study without prior permit or authority issued by the Department.

Section 27. Dissolution of a School. The dissolution and subsequent liquidation of a school shall conform in any case to the provisions of the Corporation Code of the Philippines on the dissolution of corporations.

Article V. ACCREDITATION

Section 28. Policy. For schools which desire to meet standards of quality over and above the minimum required for government recognition and in aid of its regulatory functions, the Department encourages the use of the mechanism of voluntary accreditation. Toward this end, it shall (1) maintain a policy environment which enhances the private and voluntary nature of accreditation and protects its integrity, and (2) establish a scheme for progressive deregulation of qualified schools or specific programs or courses of study in such school.

Section 29. Certifying Agency. For purposes of the grant of deregulated status and other benefits, the Department recognizes the Federation of Accrediting Agencies of the Philippines (FAAP) as the agency to certify, pursuant to its general or common standards, the accredited status of schools and their programs.

The accrediting agencies now federated under FAAP are hereby recognized and authorized to continue their accreditation activities. Specifically, these agencies are: (1) the Philippine Accrediting Association of Schools, Colleges and Universities, (2) the Philippine Association of Colleges and Universities Commission on Accreditation, and (3) the Association of Christian Schools and Colleges Accrediting Agency, which for brevity are commonly referred to as PAASCU, PACU-COA and ACSCAA, respectively. However, this recognition shall be without prejudice to the subsequent inclusion of such additional accrediting agencies as may be recognized by the Department.

Section 30. Levels of Accreditation Status. For purposes of progressive deregulation and the grant of other benefits, schools or educational programs or courses of studies shall be classified into levels of accreditation, the conferment of which shall entitle the school affected to additional administrative or academic prerogatives. The benefits resulting from accreditation shall be valid only for as long as its accreditation status is current.

Section 31. Benefits of Accreditation. In general, the benefits of accreditation for the duration of accredited status, for schools classified by levels shall be, among others, administrative and academic deregulation, and the grant of subsidies and other similar financial incentives subject to approval of fund appropriations as part of the national budget process.

Section 32. Revocation of Benefits. Any benefit extended to an accredited school may be withdrawn or revoked by the Department for loss of accredited status or for cause and after due process.

Section 33. Authority to Graduate Without Department Approval. One of the benefits which may be made available for accredited schools of the appropriate level is the authority to graduate students from accredited courses or programs of study without prior approval of the Department, the conditions for which are as follows:

- a. The school head must furnish the Regional Office of the region where the school is situated a copy of its certificates of accreditation.

b. Within two weeks after the graduation exercise, the school shall submit to the Regional Office concerned an alphabetical list of graduates by course, accompanied by a certification under oath signed by the school registrar certifying that the students therein listed (1) have complied with all the requirements of the Department, (2) were conferred their respective certificates or degrees on a specific date, (3) have complete scholastic records on file in the school, and (4) have their Form 137 for high school and Form IX for college, as the case may be, in the custody of the school. This list shall be sufficient basis for issuing special orders, if still necessary.

The school will be held fully liable for the veracity of the records without prejudice to any legal action, including revocation of government recognition, as may be called for under the circumstances.

The Department reserves the right to cancel or revoke the graduation of any student whose records are found to be fraudulent.

Article VI. UNIVERSITY STATUS

Section 34. Requirements for University Status. Upon proper application by a recognized private school, the Department may grant university status to the school after satisfactory compliance with the following requirements:

a. The school operates among others, recognized tertiary-level degree programs or course of studies as follows:

(1) A four-year course in Arts and Sciences (AB/BS);

(2) In addition, a minimum of four other undergraduate courses with full government recognition, at least three of which are professional courses;

(3) At least two graduate-level courses leading to a master's or doctoral degree;

No college may be converted to a university or the corporate life of an existing university renewed after it has lapsed according to law, unless its undergraduate degree programs in liberal arts, in commerce, and in education, where offered, are accredited. These accreditation shall not be operative for those programs offered by the school for which no accreditation procedures are as yet operational.

b. Substantial evidence of a recognized strength in the arts, sciences, humanities and social sciences components of its undergraduate courses in the professions or disciplines recognized by the government, and preferably accredited;

c. A continuing quest for excellence and a commitment to a reasonably high standard of instruction demonstrated through the quality of its educational programs, outstanding achievements of its students and excellent performance of its graduates particularly in government examinations;

d. A dynamic research program manned by qualified and competent personnel, including the periodic publication of a scholarly journal; and

c. A creditable community extension service program involving the community within its immediate service area and manned by experienced and service-oriented personnel.

Section 35. Withdrawal of University Status. The university status granted to a recognized private school may be withdrawn by the Department for cause and after due notice and hearing. Inability to maintain compliance with the substantive conditions for University status is considered a valid basis for revocation.

C. EDUCATIONAL INSTITUTIONS

Articles VII. ESTABLISHMENT OF PRIVATE SCHOOLS

Section 36. Establishment of Private Schools. Any private school established after September 11, 1982:

a. Must incorporate as a non-stock educational corporation in accordance with the provisions of the Corporation Code of the Philippines and the Education Act of 1982, B.P. Blg. 232, although a stock educational corporation established before September 11, 1982, may opt to remain as such upon renewal of its corporate term; and

b. Shall be owned solely by citizens of the Philippines or by corporations or associations at least sixty (60%) percent of the capital of which is owned by such citizens, except those allowed to be established by religious groups and mission boards pursuant to the Constitution and special laws.

Section 37. Establishment of School Branches. The establishment of a school branch shall require the prior approval of the Department, where it is located in a separate city or municipality from the main school. However, for purposes of this Section, the privilege of establishing a branch within the same city or municipality without need for prior approval shall not be applicable for the National Capital Region or its component cities and municipalities.

A school facility shall be considered a branch where (1) a separate site and attendant educational facilities such as building and classrooms specifically for the school have been established, (2) the branch is offering educational programs which are also offered in the main school, and (3) the courses offered in the branch are not restricted to a special clientele such as employees of a company, but are open to the qualified general public.

A school facility shall be considered an extension class where it possesses the characteristics of a school branch as above, with the exception that (1) administrative and support facilities mentioned are not available at the site, but merely the classrooms; (2) enrollment in an extension class is restricted to a special clientele, and not available to the general public; and (3) such extension classes are temporary in nature. Prior notice given to the Department on the intention to hold extension classes will be sufficient.

The school may at its discretion apply for a separate educational institution rather than as a branch; as such, the applicant therefore shall meet the requirements for the establishment of a new school.

Section 38. Establishment of a Foreign School. The establishment and operation of a foreign school shall be governed by applicable laws of the Philippines as well as the policies, rules and standards prescribed by the Department pursuant to law. The same terms and conditions or requirements governing the grant of government authority to operate education programs as provided for in this Manual, shall likewise invariably and equally apply to any foreign school that may operate any education program, whether directly or indirectly, in the Philippines, except on the specific areas or aspects of school management and operation as may expressly be provided through legislation.

No educational institution shall be established exclusively for aliens, and no group of aliens shall comprise more than one-third of the enrollment of any school, except for schools established for foreign diplomatic personnel and their dependents and, unless otherwise provided for by law, for other foreign temporary residents.

Article VIII. INTERNAL ORGANIZATION OF SCHOOLS

Section 39. Governing Body. Every private school shall have a governing board which shall exercise general supervision, have exclusive control and direction of all funds, prescribe policies, make rules and regulations and establish practices not inconsistent with law for the governance and direction of the school.

Trustees of educational institutions organized as non-stock corporations shall not be less than five nor more than fifteen, provided that the number of trustees shall be in multiples of five. For institutions organized as stock corporations, the number and term of directors shall be governed by the provisions of the Corporation Code on stock corporations.

The control and administration of educational institutions shall be vested in citizens of the Philippines. Trustees or directors of educational institutions shall possess at least a bachelor's degree.

Section 40. Qualifications of the School Head. Every private school shall have a school head who may be President, Rector, Director and shall be the chief executive officer responsible for efficient and effective management and the realization of the goals and objectives of the institution he serves. Where the course offering of the school is limited to the Elementary or Secondary level, the principal may also serve as the school head, at the discretion of the governing Board of the school.

The school head must (1) be a Filipino citizen, (2) possess at least a master's degree or a professional license requiring at least a bachelor's degree; (3) have adequate teaching experience, managerial competence and technical expertise in school management, or have a background of demonstrated service and competence in his previous field of endeavor, and (4) be of good moral character.

For schools with course offerings at the tertiary level, possession of an earned doctoral degree or its equivalent is preferred.

Section 41. Qualifications and Functions of the Dean. The dean for undergraduate programs or courses shall hold an appropriate master's degree or the appropriate professional license requiring at least a bachelor's degree, and for graduate programs or courses shall, where applicable, hold preferably an appropriate earned doctoral degree.

He must have at least five (5) years of satisfactory teaching experience and at least two (2) years of satisfactory managerial experience.

The dean shall assist the school head in the attainment of institutional goals and objectives, and his functions and responsibilities explicitly stated by the school.

Section 42. Qualifications and Functions of the Principal. The principal in the elementary and secondary levels shall hold a master's degree and with at least five years of relevant teaching or of administrative experience.

The principal shall assist the school head in the attainment of the objectives of elementary or secondary education, and his functions and responsibilities explicitly stated by the school.

Section 43. Qualifications and Functions of the Registrar. The registrar shall hold a bachelor's degree and have at least three (3) years of training or experience in the servicing and maintenance of student academic records and related school work.

The Registrar shall be responsible for the school records of pupils and students, and his functions and responsibilities explicitly stated by the school. Unless otherwise indicated by the school, the Registrar shall be the principal contact person with the Department.

Every private school shall preserve and maintain the integrity and confidentiality of its student records. The issuance of student records shall be done by the Registrar in accordance with law and the regulations contained in this Manual.

Article IX. FACULTY

Section 44. Minimum Faculty Qualifications. The minimum qualifications for faculty for the different grades and levels of instruction duly supported by appropriate credentials on file in the school shall be as follows:

a. Pre-school and Elementary: Holder of a bachelor's degree in elementary education, or its equivalent. Pre-school teachers shall have at least six units of professional subjects relating to pre-primary education.

b. Secondary:

(1) For academic subjects: Holders of a bachelor's degree in secondary education or its equivalent, or a Bachelor of Arts degree or their equivalent, with at least 18 units of professional education subjects, to teach largely in the major field.

(2) For vocational subjects:

(a) Holders of any four-year college degree with knowledge and competence of the technical/vocational course he is to teach;

(b) College under-graduates who, by training, experience or both, can teach the subject or subjects assigned; or any vocationally trained or experienced person, engaged in the occupation or trade, who may serve as resource person in any aspect of his expertise; or

c. Tertiary:

(1) For undergraduate courses, other than vocational:

(a) Holder of a master's degree, to teach largely in his major field; or, for professional courses, holder of the appropriate professional license required for at least a bachelor's degree. Any deviation from this requirement will be subject to regulation by the Department.

(b) Special technical-vocational courses: Any graduate of the corresponding program or course with successful demonstrated occupational or trade experience of at least one year.

(c) For Physical education: Holder of the degree of Bachelor of Science in Physical Education, or Bachelor of Science in Education, with major or minor in physical education, or any other bachelor's degree with certificate in physical education.

(d) For music education: Holder of the degree of Bachelor of Music, or Bachelor of Science, with major or minor in music, or any other bachelor's degree with certificate in music.

(2) For post-undergraduate programs or courses:

(a) Holder of the appropriate professional degree or license, to teach in his field of specialization. In special fields of study which require special and technical training, an instructor without a doctor's or master's degree may be admitted into the faculty if he possesses exceptional demonstrated competence and scholarship in his field of study or discipline.

(3) For graduate level programs or courses:

(a) For the master's program: Holder of the appropriate earned master's degree, to teach in his field of expertise.

(b) For the doctoral program: Holder of the appropriate earned doctoral degree.

Section 45. Full-time and Part-time Faculty. As a general rule, all private schools shall employ full-time academic personnel consistent with the levels of instruction.

Full-time academic personnel are those meeting all the following requirements:

a. Who possess at least the minimum academic qualifications prescribed by the Department under this Manual for all academic personnel;

b. Who are paid monthly or hourly, based on the regular teaching loads as provided for in the policies, rules and standards of the Department and the school;

c. Whose total working day of not more than eight hours a day is devoted to the

school;

d. Who have no other remunerative occupation elsewhere requiring regular hours of work that will conflict with the working hours in the school; and

e. Who are not teaching full-time in any other educational institution.

All teaching personnel who do not meet the foregoing qualifications are considered part-time.

Section 46. Percentage of Full-time Faculty. In the elementary and secondary levels, at least eighty (80%) per cent of the subjects offered shall be taught by full-time academic personnel.

In the tertiary level, at least sixty (60%) per cent of the subjects offered in the Liberal Arts and Education courses of study should be taught by full-time academic personnel. This requirement, although desirable, does not apply for the professional courses of study, such as in highly technical, professional, or specialized courses or where full-time expertise is not available.

Section 47. Faculty Classification and Ranking. At the tertiary level, the academic teaching positions shall be classified in accordance with academic qualifications, training and scholarship preferably into academic ranks of Professor, Associate Professor, Assistant Professor, and Instructor, without prejudice to a more simplified or expanded system of faculty ranking, at the option of the school.

Any academic personnel who does not fall under any of the classes or ranks indicated in the preceding paragraph shall be classified preferably as professorial lecturer, guest lecturer, or any other similar academic designation on the basis of his qualifications.

Article X. SCHOOL ADMINISTRATIVE MATTERS

Section 48. School Calendar. The standard school calendar for a school year for all three educational levels shall be issued annually by the Department, usually in January of the preceding school year.

All schools shall begin classes for the school year on the second Monday of June of every calendar year, except as may otherwise be fixed by the Secretary. As a general rule, collegiate classes for the second semester shall begin twenty Mondays later.

The calendar requirements are as follows:

a. For the elementary and secondary levels:

(1) The academic year for elementary and secondary courses of study should consist of approximately forty weeks of normally five school days each, exclusive of approved vacations and including legal and special school holidays, and days for special activities.

(2) The standard period for every subject of the elementary and secondary courses shall be fifty minutes.

(3) Double sessions, that is, mornings and afternoons, should be generally required of all day programs. Unless expressly stipulated in the government authority itself, the Department permit or recognition issued for the elementary and secondary courses shall be valid for day classes only. The dividing line between day and night classes should be five o'clock in the afternoon.

b. For the tertiary level:

(1) The academic year for collegiate courses should consist of not less than thirty-six weeks, or eighteen weeks a semester, of normally six school days each, exclusive of approved vacations and including legal and special holidays, and days for special activities. In any case, the total number of days on which regular school sessions are held should not be less than two hundred, or one hundred each semester, exclusive of all holidays and registration days.

(2) The summer term for collegiate courses shall consist of six weeks.

(3) The standard period for every subject shall be one hour. A one hour lecture or recitation each week or a total of not less than seventeen hours in a semester, shall be equivalent to one unit of college credit. Two or three hours of laboratory work, drafting, shop or field work each week shall be equivalent to one hour of classroom lecture or recitation work.

Section 49. Change of School Calendar. Any private school desiring to deviate from the prescribed standard school calendar may submit for approval a corresponding application to the Department not later than fifteen (15) days before the opening of the school term. No prior approval by the Department is needed in cases of exchange or substitution of school days for school holidays in each private school so long as the prescribed school calendar requirement is maintained and the Regional Office concerned is informed of such substitution at least a week in advance.

Section 50. Enrolment and Class Size. The enrolment and class size in every subject of each private school shall be determined by the school taking into account the total absorption capacity of its facilities, the level of instruction, the nature of the subject, and such other factors as may be conducive to the teaching-learning process.

Article VI. SCHOOL FACILITIES

Section 51. School Sites and Building. The school site of every private school must be suitable and adequate for its activities. The site should be owned by the school. If not owned, there should be a definite and feasible program for ownership thereof within a reasonable period, or reasonable and adequate provisions for continued use by the school.

In the selection of a prospective school site, consideration should be given, among others, to such factors as total floor area required for occupancy at any one time, traffic situation in the vicinity, a reasonable distance from other schools already existing, and location and distance from distracting establishments such as cockpits, dancing halls, bars or recreational places of questionable character, bowling alleys, movie houses, markets, garbage dumps, funeral parlors, jails, cemeteries and others.

School buildings shall be so designed and constructed in conformity with the provisions of the Building Code.

Section 52. School Library. Every private school shall have a library which should (1) vary in extent and nature with the kind of courses offered and the size of the enrolment, (2) have separate library book collections and materials by educational level, if applicable, and provisions for reading rooms, (3) be adequate in quality and quantity, including the currency of its collections, (4) be helpful in serving the needs of scholarship and research, and (5) be administered by a librarian with professional training and library assistants when necessary.

Section 53. Library Standards. Every private school shall maintain a school library or libraries with adequate collections and materials in accordance with the following standards:

a. For Elementary and Secondary Education, these shall include (1) an adequate number of library books per pupil, (2) home reading and general reading books, (3) sets of supplementary readers appropriate for each curriculum year and each subject, (4) professional books for the faculty, general references, dictionaries and encyclopedias, and (5) subscriptions to current news periodicals and professional magazines or journals.

b. For tertiary education, these shall include (1) a basic collection of well-selected relevant books to support the core needs of the general curricula, and (2) such additional more specialized collections as may be necessary to meet the requirements of the various courses of study and major programs offered by the school.

Section 54. Library Development Program. Every private school shall adopt a continuing and forward-looking acquisition and development program for its school library, as well as the improvement of facilities and resources.

Section 55. Textbook Selection Criteria. The textbooks that shall be used in every private school should be suitable for the educational programs or courses of studies offered, of fairly recent edition, up-to-date in methods of presentation and content, not violative of the laws of the Philippines, and preferably written by Filipino authors.

Section 56. Changes in Textbooks. The use of any textbook in every private school shall not be changed more often than once every four (4) school years unless the change is from the adoption of an imported or foreign-authored textbook to a local one, or to a less expensive textbook. New editions of existing textbook adoptions shall not be considered as changes for this purpose.

Article XII. SCHOOL RECORDS

Section 57. Contents of School Records. The school record of any transferring pupil or student sent by one school to another should contain the final rating in each subject with the corresponding credits or the action taken thereon; in the case of the elementary level, the general average of the pupil including the monthly rating if the pupil leaves school before completing the school year.

Section 58. Request for School Records. Upon submission and acceptance of the transfer credential, the school to which a pupil or student has transferred shall request in writing for the complete school records (Form 137) or transcript of record of the pupil or student from the school last attended. The latter school shall forward such records directly to the school within thirty days from receipt of the request.

The school records should not be given to the pupil or student unless authorized in writing by

the school requesting for said records.

Section 59. Release of Records. The school records of a pupil or student under a penalty of suspension or expulsion shall not be released until the lapse of the penalty therefore at the discretion of the school in the case of suspension, or approval by the Secretary in the case of expulsion.

Article XIII. STUDENT ADMISSION

Section 60. Admission Requirement for the Tertiary Level. The basic requirement for eligibility for admission of a student to any collegiate educational program or course shall be graduation from a secondary level program recognized by the Department.

Graduates of foreign secondary schools who may not fully satisfy the specific requirements of certain collegiate programs or courses may be admitted provided any deficiency is corrected during his initial school term or semester.

Students who have not yet graduated from high school but who have completed at least eleven curriculum years in elementary and secondary education in other countries may be favorably considered for admission to a tertiary educational program, at the discretion of the admitting school.

Section 61. Right to Enroll Until Graduation. Admission to any private school is open to all pupils and students who meet its specific standards, requirements and regulations as expressed in printed publications or other written material. Except in cases of academic delinquency, violation of school rules and regulations, the closure of a program or course of study by the school, or the closure of the school itself, the pupil or student who qualifies for enrollment is qualified to stay for the entire period in which he is expected to complete his course in a school, without prejudice to his right to transfer to other schools within the prescribed period.

Section 62. Rules for Registration. The enrollment of pupils or students in every private school shall be conducted during the registration days indicated on the approved calendar and the pertinent procedures of the school, and subject to the following rules:

a. When a student registers in a school, it is understood that he is enrolling for the entire school year for elementary and secondary courses, and for the entire semester for collegiate courses.

b. Aside from the specified registration period, a pupil or student may enroll and be admitted in accordance with the reasonable rules of the school for late enrollment but which in no case shall exceed two weeks after the opening of classes.

c. After the two-week period above-mentioned, no further enrollment will be allowed, without prejudice however to subsequent transfer by an enrolled student from one school to another during the school year, provided the consent of both schools is obtained. As a general rule, inter-school transfers after the enrollment period are discouraged, especially in the cases of students who are expected to graduate from a course of study during the school year at the secondary or tertiary levels of formal education.

d. No pupil or student shall be officially enrolled unless he presents the proper school credentials on or before the end of the enrollment period for the school term.

e. A pupil or student is deemed officially enrolled after he has submitted his appropriate admission or transfer credentials, has made an initial payment of his school fees which has been accepted by the school, and has been authorized to attend classes in the school.

f. No foreign pupil or student shall be enrolled without the prior approval of the Secretary or his authorized representative.

g. For purposes of enrollment, the name and other personal data or circumstances of each pupil or student as indicated on his birth certificate or alien certificate of registration, where applicable, shall prevail.

Section 63. Admission Credentials. The transfer credentials required for the enrollment of a pupil or student in case of transfer at the beginning of a school year shall be:

a. For admission into Grade 2 of the elementary course up to the first year of any collegiate program or course, the uncanceled report card (Form 138) or its equivalent from the school last attended with the eligibility certificate indicated and signed by the authorized school official. The report card or its equivalent shall be deemed canceled upon the enrollment of the pupil or student in the subsequent grade or year, and the admitting school shall immediately request for the permanent school record (Form 137) from the school last attended.

b. For admission into second year and subsequent years of any collegiate program or course, the prescribed transfer credential, normally a Certificate of Transfer, from the college or university last attended.

c. Where a pupil or student is unable to present the required school record or credential indicated in subparagraphs a and b, a certificate of eligibility issued by the Secretary or his duly authorized representative will be required.

Section 64. Submission of Enrollment List. Within forty-five days after the close of every enrollment period, every private school not otherwise exempted herein, shall submit to the Regional Office concerned (1) a list, in duplicate, of all pupils and students enrolled therein, and (2) a summary of enrollment data for the corresponding school year or term for the various programs or courses. For technical-vocational courses, the list shall be submitted monthly within the first five days of every month.

The enrollment list may be submitted in such form and style as may be convenient and economical for each school, provided that there be separate lists of pupils and students alphabetically arranged by grades or curriculum years for each educational program or course.

Section 65. Special Student. A special pupil or student may be admitted to a private school at any time during a school term for audit purposes without earning credit, subject to such requirements and conditions as the school may prescribe. At the discretion of the school, a special student may be exempted from class assignments and examinations.

Section 66. Tuition Charges. A student who transfers or otherwise withdraws, in writing, within two weeks after the beginning of classes and who has already paid the pertinent tuition and other school fees in full or for any length longer than one month may be charged ten per cent of the total amount due for the term if he withdraws within the first week of classes, or twenty per cent if within the second week of classes, regardless of whether or not he has actually attended classes. The

student may be charged all the school fees in full if he withdraws anytime after the second week of classes. However, if the transfer or withdrawal is due to a justifiable reason, the student shall be charged the pertinent fees only up to and including the last month of attendance.

Section 67. Subject Load and Sequence. The subject load and the sequence of subjects of pupils or students shall be in accordance with the approved curriculum for each program or course of study. Reasonable exemptions may be permitted in individual cases taking into account the best interest of the pupil or student and the objectives of the educational system.

Section 68. Advanced Subjects and Back Subjects. As a general rule, a student shall not be permitted to take any advanced subject until he has satisfactorily passed the prerequisite subject or subjects.

However, in the case of students in the secondary level, the following rules shall apply:

a. A student who has failed in any subject must enroll in the subject again, either during summer or in a succeeding school year. A student who has passed a subject need not repeat the subject.

b. A student may enroll in not more than two subjects during the summer, either for the purpose of making up for subjects previously failed, or for earning advanced credits in other subjects.

c. A student shall not be allowed to take any new subject unless he takes at the same time the prerequisite subject in which he failed.

d. A student will be permitted an overload of not more than one subject during the regular school year, inclusive of subjects previously failed.

The above restrictions will not apply where the student concerned has reduced or eliminated his back subjects during the summer term.

Gifted or honor students in all levels may be permitted to take such additional advanced subjects or overload, including the summer session, as the appropriate school official may determine, based upon the previous academic performance of the student and other evidence of educational measurement.

Section 69. Excess Load for Graduating Students. A graduating student, both secondary and tertiary, may be permitted in the discretion of the school an additional subject load of not more than two units and six academic units, respectively, in excess of the normal load specified by the school for the school year or term.

Section 70. Cross Enrollment. In general, cross enrollment is discouraged. However, for valid reasons as determined by and with the prior written authority of the school he is regularly enrolled in, a student may be permitted to cross enroll in another school for up to the normal subject load for that particular term.

Section 71. Transfer of Students and Transfer Credentials. A pupil or student enrolled in one school is entitled to transfer to another school, provided he has no unsettled obligations with the school he was enrolled in.

Every pupil or student who applies for and is eligible to transfer should be provided by the school he is enrolled in with the appropriate transfer credentials which will entitle him to admission in another school of his choice, subject to the latter's policies and regulations on the admission of transfer students. Such credentials to be issued are as follows:

a. For the elementary and secondary levels: The uncanceled report card (Form 138) with the certificate of eligibility to transfer duly accomplished and signed by the school head which shall be issued to the pupil or student within two weeks after filing of the application or after the close of the school year, as the case may be.

b. For the tertiary level: A transfer credential signed by the school registrar which shall be issued not later than two weeks after the filing of the application for transfer; Provided that, in the case of a student who is a transferee from another school, his records from his previous school have been received, are complete, and in order.

Section 72. Withholding of Credentials. The release of the transfer credentials of any pupil or student may be withheld for reasons of suspension, expulsion or nonpayment of financial obligations or property responsibility of the pupil or student to the school. The credentials shall be released as soon as his obligation shall have been settled or the penalty of suspension or expulsion lifted.

However, if, after due inquiry, a school is found to have unjustifiably refused to issue transfer credentials or student records, the Department may issue the same without prejudice to the imposition of appropriate administrative sanctions against the school concerned.

Article XIV. SCHOOL DISCIPLINE

Section 73. Absences. A pupil or student in every private school who incurs absences of more than twenty (20%) per cent of the prescribed number of class or laboratory periods during the school year or term should be given a failing grade and given no credit for the course or subject. However, the school may adopt an attendance policy to govern absences of its pupils or students who belong to the upper half of their respective classes.

Section 74. Authority to Maintain School Discipline. Every private school shall maintain good school discipline inside the school campus as well as outside the school premises when pupils or students are engaged in activities authorized by the school.

Section 75. Imposition of Disciplinary Action. School officials and academic personnel shall have the right to impose appropriate and reasonable disciplinary measures in case of minor offenses or infractions of good school discipline committed in their presence. However, no cruel or physically harmful punishment shall be imposed or applied against any pupil or student.

Section 76. Filing of Administrative Action. When the offense committed is serious and circumstances so warrant, the school head shall cause the filing of the corresponding administrative action against the erring pupil or student. No disciplinary sanction shall be applied upon any pupil or student except for cause as defined in the rules and regulations of the school or in this Manual, and after due process shall have been observed. The punishment shall be commensurate with the nature and gravity of the offense.

Section 77. Categories of Administrative Penalties. The three categories of disciplinary

administrative sanctions for serious offenses or violation of school rules and regulations which may be applied upon an erring pupil or student are: Suspension, Exclusion, and Expulsion.

a. **Suspension.** Suspension is a penalty in which the school is allowed to deny or deprive an erring pupil or student of attendance in classes for a period not exceeding twenty (20%) percent of the prescribed class days for the school year or term.

The decision of the school on every case involving the penalty of suspension which exceeds twenty (20%) percent of the prescribed school days for a school year or term shall be forwarded to the Regional Office concerned within ten days from the termination of the investigation of each case for its information.

(1) **Preventive Suspension.** A pupil or student under investigation of a case involving the penalty of expulsion may be preventively suspended from entering the school premises if the evidence of guilt is strong and the school head is morally convinced that the continued stay of the pupil or student during the period of the investigation constitutes a distraction to the normal operations of the school or poses a risk or danger to the life of persons and property in the school.

b. **Exclusion.** Exclusion is a penalty in which the school is allowed to exclude or drop the name of the erring pupil or student from the school rolls for being undesirable, and transfer credentials immediately issued. A summary investigation shall have been conducted, and no prior approval by the Department is required in the imposition of the penalty.

The decision of the school on every case involving the penalty of exclusion from the rolls, together with all the pertinent papers therefor, shall be filed in the school for a period of one year in order to afford the Department the opportunity to review the case in the event an appeal is taken by the party concerned.

c. **Expulsion.** Expulsion is an extreme penalty on an erring pupil or student consisting of his exclusion from admission to any public or private school in the Philippines and which requires the prior approval of the Secretary. The penalty may be imposed for acts or offenses constituting gross misconduct, dishonesty, hazing, carrying deadly weapon, immorality, selling and/or possession of prohibited drugs such as marijuana, drug dependency, drunkenness, hooliganism, vandalism, and other serious school offenses such as assaulting a pupil or student or school personnel, instigating or leading illegal strikes or similar concerted activities resulting in the stoppage of classes, preventing or threatening any pupil or student or school personnel from entering the school premises or attending classes or discharging their duties, forging or tampering with school records or school forms, and securing or using forged school records, forms and documents.

The decision of the school on every case involving the penalty of expulsion, together with the supporting papers shall be forwarded to the Regional Office concerned within ten days from the termination of the investigation of each case.

Section 78. Authority to Promulgate Disciplinary Rules. Every private school shall have the right to promulgate reasonable norms, rules and regulations it may deem necessary and consistent with the provisions of this Manual for the maintenance of school discipline and class attendance. Such rules and regulations shall be effective as of the date of promulgation and notification to students in an appropriate school issuance or publication.

Article XV. GRADING SYSTEM

Section 79. Basis for Grading. The final grade or rating given to a pupil or student in a subject should be based solely on his scholastic performance. Any addition or diminution to the grade in a subject for co-curricular activities, attendance, or misconduct shall not be allowed, except as may otherwise be explicitly provided for by an individual school in an appropriate issuance or publication, and provided further that such adjustments are relevant to the subject content and requirements. In the elementary level, the misconduct of a pupil may affect his class or final grade in Character Education.

Section 80. Requirements for Promotion. The following requirements in the promotion or graduation of a pupil or student from any recognized educational program or course shall be observed and strictly followed by every private school:

- a. No pupil or student shall be given any school credit toward the completion of or graduation from a program or course, unless he has enrolled and satisfactorily fulfilled the admission requirements, faithfully and regularly attended classes, and acquired a reasonable proficiency in each subject of the approved curriculum.
- b. No pupil or student shall be permitted to take any advanced subject until he has satisfactorily passed the basic and pre-requisite subject(s), except as may be provided for otherwise in this Manual.
- c. The final grade or rating to earn school credit and for promotion is 75% or its equivalent.
- d. The records of attendance and subject proficiency of pupils and students for each school year or term should be filed in the school until the close of the next school year or term, for reference or examination in case of any grievance or complaint.

Section 81. Promotion System: Elementary Level. The system of promotion for Grade I to III in the elementary level should be flexible as to allow any pupil to be promoted to the next higher grade when, in the evaluation of the academic authorities of the school, the pupil has shown capability to undertake the required class work in the higher grade. Such promotion may take place at any time.

In Grades IV, V and VI, and in Grade VII in those instances where a school may require the completion of Grade VII before the admission of any pupil into the first year of the secondary level, the promotion of a pupil may be effected at the end of the school year on the basis of his final general average.

In special cases, a private school may promote during the school year any pupil in Grades IV to VI subject to the following conditions:

- a. The promotion shall be effected within the first four months of the school year.
- b. No promotion during the school year shall be allowed from the elementary to the secondary level.
- c. A report should be submitted to the Regional Office concerned of every mid-term

promotion within three days after the action thereon.

The final general average shall be determined by dividing by the number of subjects the sum of his cumulative ratings in the prescribed subjects of the curriculum provided he passes the basic subjects, namely, science, mathematics, and communication arts.

Section 82. Promotion System: Secondary Level. In the secondary level, the cumulative grading system shall be used. The promotion of students shall be by subject and not curriculum year. To pass any subject, a student should receive a final rating of 75% or its equivalent. A student who receives a final rating of less than 75% shall be considered failed and should repeat the subject. A school may however adopt a more restrictive promotion system which should be explicitly set forth in appropriate school issuances or publications.

Section 83. Grading and Promotion System: Tertiary Level. In the tertiary level, the following rules shall be strictly observed in the promotion or graduation of students in any professional academic or technical educational program or course.

a. Any provisional, conditional, or temporary grade given at the end of the semester or term for any curriculum subject which is still subject to conversion into another grade (such as "Conditioned") shall not be allowed.

b. A school may, at its discretion, grant a final grade which does not earn credit but which does not indicate failure (such as "NC" for "No Credit" or "NG" for "No Grade") in those cases where the student did not take the final examination in the subject and his performance was not considered satisfactory enough to merit a final passing grade, in spite of absence from the final examination. Such a grade is permanent and cannot be changed subsequently.

The adoption by a school of any of the discretionary policies above-given should be explicitly set forth in appropriate school issuances or publication.

Article XVI. GRADUATION

Section 84. Special Orders. Except as may otherwise be provided for by the Department in connection with accreditation, special orders shall be required for the graduation of students from the formal secondary and tertiary levels in private schools. The withholding of the issuance of such special orders by the Department shall be undertaken only in connection with defects in the applications for special orders submitted by the school.

Applications for special orders shall be filed by the school with the Department at least sixty calendar days before the end of the academic year, and shall be processed by the Department and returned to the school within thirty calendar days within the receipt of such application.

No special orders will be required for elementary school graduates. Special orders shall not be required for the graduation of students from a technical or vocational course, provided that no academic credit is given. However, together with the notification of completion of the program to the Department, the school shall submit a written certification on the skills proficiency achievement of the student concerned.

Section 85. Graduation Honors: In General. Each private school may adopt its own crite-

ria for the selection of students who should be awarded graduation honors in a recognized program or course, which criteria should be made known to its students.

Section 86. Graduation Honors: Elementary and Secondary Levels. If a private school fails to adopt a set of criteria, the following policies and rules shall apply in the resolution of issues relative to graduation honors in the elementary and secondary levels:

a. A candidate for graduation honors should take the last two curriculum years of the program or course in the school where he is to graduate, complete the entire program or course within the prescribed number of curricular years, and with no failing grade in any subject.

b. The following factors and corresponding relative weights toward the evaluation of appropriate graduation honors, such as Class Valedictorian and Class Salutatorian or any other class distinctive academic honors, should be considered:

<u>Quality</u>	<u>Weights</u>
Scholarship (Academic and Vocational)	6
Character and Conduct	3
Co-Curricular Activities	<u>1</u>
TOTAL	<u>10</u>

c. The ranking in Scholarship will be based on the general average of the pupils or students in the last two curriculum years of the program or course and the student with the highest average will be considered first in the consequent ranking.

d. The ranking relative to Character and Conduct of the pupils and students should be based on the combined judgment of all the academic personnel of the graduating class.

e. The ranking on Co-Curricular Activities should be based on performance and degree of involvement of the pupils or students in activities authorized by the school during the last two curriculum years of the program or course.

f. In determining the final rank of each candidate, the ranking on the quality factors should be multiplied by the corresponding weight, and the sum thereof divided by 10.

Section 87. Graduation Honors: Tertiary Level. If a private school fails to adopt a set of criteria which should be explicitly set forth in an appropriate school issuance or publication, the following rules shall apply relative to graduation honors in the tertiary level:

a. A candidate for graduation honor should complete a minimum of 75% of the required subjects of the program or course in the school which will award the degree or diploma.

b. The appropriate graduation honors and the prescribed minimum final rating in any subject for the entire duration of the program or course, shall be:

<u>Honors</u>	<u>Final Rating</u>
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Summa Cum Laude	95 to 100% with no grade in any one subject below 93%, or their equivalents.
Magna Cum Laude	90 to 94.9% with no grade in any one subject below 89%, or their equivalents.
Cum Laude	85 to 89.9% with no grade in any one subject below 85%, or their equivalents.

Section 88. Honorary Degrees. The following policies and procedures shall be followed in the awarding of honorary degrees:

a. The award of an honorary degree shall be given as recognition of exceptionally meritorious achievements of persons in the arts, sciences, the humanities, and public service. No award shall be given on a quid pro quo basis or for publicity purposes. Neither shall an award be given to the administrators or faculty in the service of the school concerned or to incumbent officials of the Department, including its agencies.

b. It is suggested that the honorary degree should differ from any regular earned doctoral program that may be offered by the school. Among the honorary degrees which may be awarded by schools are the Doctor of Letters and the Doctor of Humanities.

c. The authority to confer any degree in honoris causa shall be limited to universities, or to colleges that have existed for a period of at least fifty (50) years, except as may otherwise be allowed by the Secretary.

d. The Secretary or his authorized representative shall be the sole granting authority to award an honorary degree, and may withhold the conferment should such doctoral awards by a school appear to be excessive.

e. With the corresponding recommendation of the school head, the application for the grant of an honorary degree shall be supported by the following documents:

(1) A resolution of the governing board of the school on the approval of the proposed conferment, indicating the achievements of the proposed honoree; and

(2) The curriculum vitae of the proposed honoree.

D. TERMS AND CONDITIONS OF EMPLOYMENT

Article XVII. PERSONNEL STANDARDS AND TRANSACTIONS

Section 89. Conditions of Employment. Every private school shall promote the improvement of the economic, social and professional status of all its personnel.

In recognition of their special employment status and their special role in the advancement of knowledge, the employment of teaching and non-teaching academic personnel shall be governed by such rules as may from time to time be promulgated in coordination with one another by the Depart-

ment of Education, Culture and Sports and the Department of Labor and Employment.

Conditions of employment of non-academic non-teaching school personnel, including compensation, hours of work, security of tenure and labor relations, shall be governed by the appropriate labor laws and regulations.

Section 90. Compensation. Every private school shall provide for a compensation policy where compensation ranges should be so graded taking into account performance, merit and differences in the qualifications and responsibilities of the various positions.

Section 91. Employment Contract. Every contract of employment shall specify the designation, qualification, salary rate, the period and nature of service and its date of effectivity, and such other terms and conditions of employment as may be consistent with laws and the rules, regulations and standards of the school. A copy of the contract shall be furnished the personnel concerned.

Section 92. Probationary Period. Subject in all instances to compliance with Department and school requirements, the probationary period for academic personnel shall not be more than three (3) consecutive years of satisfactory service for those in the elementary and secondary levels, six (6) consecutive regular semesters of satisfactory service for those in the tertiary level, and nine (9) consecutive trimesters of satisfactory service for those in the tertiary level where collegiate courses are offered on the trimester basis.

Section 93. Regular or Permanent Status. Those who have served the probationary period shall be made regular or permanent. Full-time teachers who have satisfactorily completed their probationary period shall be considered regular or permanent.

Section 94. Causes of Terminating Employment. In addition to the just causes enumerated in the Labor Code, the employment of school personnel, including faculty, may be terminated for any of the following causes:

- a. Gross inefficiency and incompetence in the performance of his duties such as, but not necessarily limited to, habitual and inexcusable absences and tardiness from his classes, willful abandonment of employment or assignment;
- b. Negligence in keeping school or student records, or tampering with or falsification of the same;
- c. Conviction of a crime, or an attempt on, or a criminal act against the life of any school official, personnel, or student, or upon the property or interest of the school;
- d. Notoriously undesirable;
- e. Disgraceful or immoral conduct;
- f. The sale of tickets or the collection of any contributions in any form or for any purpose or project whatsoever, whether voluntary or otherwise, from pupils, students and school personnel, except membership fees of pupils and students in the Red Cross, the Girl Scouts of the Philippines and the Boy Scouts of the Philippines;
- g. In the event of phasing out, closure or cessation of the educational program or course or the school itself; and

b. Other causes analogous to the foregoing as may be provided for in the regulations prescribed by the Secretary or in the school rules or in a collective bargaining agreement.

Section 95. Suspension. Suspension of any school personnel may be preventive or punitive.

Preventive suspension not to exceed thirty (30) days may be imposed on any school personnel pending investigation of the charge against him if his continued presence poses a serious and imminent threat to the school, and its property, and to his life, the life of pupils, students or school personnel.

Punitive suspension is the imposition of a penalty on an erring school personnel after conviction for an offense or a misconduct committed.

Section 96. Labor Organizations. The recognition of labor organizations in any school shall be governed by the provisions of the Labor Code and subject to regulation and supervision by the Department of Labor and Employment.

Section 97. Grievance Machinery. Every private school shall provide for amicable internal procedures or remedies, including provisions for voluntary arbitration, as a preferable measure in the settlement of any issue, dispute or grievance arising from employment relations.

E. SCHOOL FINANCE AND ASSISTANCE

Article XVIII. SCHOOL FINANCE

Section 98. Policy. It is the policy of the State that the national government shall contribute to the financial support of educational programs pursuant to the goals of education as declared in the Constitution. Towards this end, the government shall (1) adopt measures to broaden access to education through financial assistance and other forms of incentives to schools, teachers, pupils, and students; and (2) encourage and stimulate private support to education through, among others, fiscal and other assistance measures.

Section 99. Funding. Private schools may be funded from their capital investments or equity contributions, tuition fees, and other school fees or charges, grants, donations, loans, subsidies, passive investment income, and other sources.

Any private school may receive any grant and legacy, donation, gift, bequest or devise from any individual, institution, corporation, foundation, trust, philanthropic organization, and research institution or organization.

Private schools may engage in any auxiliary enterprise to generate income primarily to finance their educational operations and/or to reduce the need to increase student's fees.

F. MISCELLANEOUS PROVISIONS

Section 100. Due Process. In all matters that may result in the imposition of sanctions against schools, personnel, or students, administrative due process shall in all instances be observed.

Section 101. Application of Sanctions Against Private School. The application of sanctions and penalties against private schools for violations of the regulations of the Department shall be consistent with the gravity of the offense committed by the school. Any school may appeal the application of any sanction by a Regional Director to the Secretary, if the school is of the belief that the sanction is excessive in the light of the offense committed.

Section 102. Separability Clause. Any part or provision of this Manual which may be held invalid or unconstitutional shall not affect the effectivity and efficiency of operation and implementation of its remaining parts or provisions.

Section 103. Repealing Clause. Any existing Department orders, circulars, memoranda, or any part thereof, including the Implementing Rules and Regulations of The Education Act of 1982, E.P. 232, which are contrary to or inconsistent with any provision of this Manual, shall be deemed repealed or modified accordingly. Any provision or regulation contained in the 1970 Manual of Regulations for Private Schools as amended, which is not mentioned in this Manual and which does not form part of existing law shall be considered repealed.

Section 104. Effectivity. This Manual of Regulations for Private Schools is hereby approved and shall take effect beginning with the summer session of 1993.

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