



DEPARTMENT OF EDUCATION

Parents-Teachers Association Forum

LEGAL BASES OF PTA



Outline

- I. The Philippine Constitution
- II. Batas Pambansa Blg. 232
- III. EO 292 (Administrative Code)
- IV. Republic Act 9155
- V. The Family Code
- VI. The Child and Youth Welfare Code
- VII. Constitutionality of DO 54, s. 2009
- VIII. Some queries previously raised to the Legal Service





Legal Bases for PTA

The 1987 Philippine Constitution

ARTICLE XIII

Role and Rights of People's Organizations

SECTION 15. The State shall respect the role of independent people's organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means.

People's organizations are bona fide associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure.





Legal Bases for PTA

The Philippine Constitution

ARTICLE XIII

Role and Rights of People's Organizations

SECTION 16. The right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms.





Legal Bases for PTA

Batas Pambansa Blg. 232 (Education Act of 1982)

II. THE EDUCATIONAL COMMUNITY (*Section 7*)

Every educational institution shall provide for the **establishment of appropriate bodies** through which the members of the educational community may **discuss relevant issues** and communicate information and suggestions **for assistance and support of the school** and for the promotion of their common interest...





Legal Bases for PTA

Batas Pambansa Blg. 232 (Education Act of 1982)

II. THE EDUCATIONAL COMMUNITY (*Section 7*)

Representatives from each sub-group of the educational community shall sit and participate in these bodies, the rules and procedures of which must be approved by them and duly published.





Legal Bases for PTA

The Family Code

Article 209:

It is mandated that the natural right and duty of the **parents** shall include the caring for and rearing them for civic consciousness and this can only be achieved through **shared responsibility** between **teachers and parents**.





Legal Bases for PTA

The Family Code

Article 220:

The parents and those exercising parental authority shall have with the respect to their *unemancipated children* or wards the following rights and duties:

XXX

(5) To represent them in all matters affecting their interests;





Legal Bases for PTA

Republic Act 9155

Governance of Basic Education Act of 2001

Sec. 7. Powers, Duties and Functions

E. School Level

XXX

(10) Establishing school and community networks and encouraging the active participation of teachers organizations, non-academic personnel of public schools, and parents-teachers-community associations;





Legal Bases for PTA

Republic Act 9155

Governance of Basic Education Act of 2001

Section 5 – Shared Governance

(c) The **principle of accountability and transparency** shall be operationalized in the performance of functions and responsibilities at all levels

(d) The communication channels of field offices shall be strengthened to facilitate flow of information and expand linkages with other government agencies, local government units and non-governmental organizations for effective governance.



Legal Bases for PTA

The Child and Youth Welfare Code

Article 77:

Parent-Teacher Associations - Every elementary and secondary school **shall** organize a parent-teacher association for the purpose of providing a forum for the discussion of problems and their solutions, relating to the total school program, and for insuring the full cooperation of parents in the efficient implementation of such program.

All parents who have **children enrolled** in a school are encouraged to be active members of its PTA, and to comply with whatever obligations and responsibilities such membership entails





Legal Bases for PTA

The Child and Youth Welfare Code

Article 77:

Parent-Teacher Association all over the country ***shall aid*** the **municipal and other local authorities** and school officials in the enforcement of juvenile delinquency control measures, and in the implementation of programs and activities to promote child welfare.





Legal Bases for PTA

DepEd Orders

- **D.O. 83 s. 2010** (*Amendments to Deped Order No. 77, S. 2009 [Guidelines for the Conduct of Elections of the Parents-Teachers Associations (PTAS) at the School Level and Their Federations]*)
- **D.O. 77, s. 2009** (*Guidelines for the Conduct of Elections of the Parents-Teachers Associations (PTAs) at the School Level and Their Federations*)
- **D.O. 54, s. 2009** (*Revised Guidelines Governing PTAs at the School Level*)



Quezon City PTCA Federation, Inc. vs. DepEd

G.R. No. 188720

Promulgated: February 23, 2016

**Issue: Is D.O. 54, s. 2009
unconstitutional?**



Quezon City PTCA Federation, Inc. vs. DepEd



Grounds:

1. That DO 54 undermines the independence of PTAs as independent voluntary organizations as it effectively amends the constitutions and by-laws of existing PTAs; and
2. It violates the constitutional rights to organize and to due process (cessation of recognition of existing PTCAs and of their federations effective school year 2009–2010)

Legal Bases for the issuance of DO 54

I. The Philippine Constitution

II. Batas Pambansa Blg. 232

III. EO 292 (Administrative Code)

IV. Republic Act 9155

V. The Child and Youth Welfare Code



Quezon City PTCA Federation, Inc. vs. DepEd

I. PURPOSE OF DO 54

- to provide a forum for the discussion of issues and solutions related to the total school program and to ensure full cooperation of parents in its efficient implementation;
- to address the increasing reports of malpractices by officers or members of PTAs; and
- to ensure transparency and accountability.



II. Rule-making power of DepEd

(ADMINISTRATIVE CODE OF 1987)

Section 7. Powers and Functions of the Secretary.-
The Secretary shall:

(4) **Promulgate administrative issuances** necessary for the efficient administration of the offices under the Secretary and for proper execution of the laws relative thereto...



Quezon City PTCA Federation, Inc. vs. DepEd

II. Rule-making power of DepEd

Governance of Basic Education Act (RA 9155)

Sec. 7. Powers, Duties and Functions. – The Secretary of the Department of Education shall exercise overall authority and supervision over the operations of the Department.



Quezon City PTCA Federation, Inc. vs. DepEd

II. Rule-making power of DepEd

II. Requisites and Due Process

- Completeness Test and Sufficient Standard Test
- Publication with the University of the Philippines Law Center; and
- Public participation**

Chapter 2 of Book VII of the Administrative Code:

SECTION 9. Public Participation.—(1) If not otherwise required by law, an agency shall, as far as practicable, **publish or circulate notices of proposed rules and afford interested parties the opportunity to submit their views prior to the adoption of any rule.**

Quezon City PTCA Federation, Inc. vs. DepEd

SUPREME COURT'S DECISION:

DO 54 is constitutional. The establishment of these rules and requirements is a valid exercise of police power as public interest is involved in the conduct of the PTAs seeking for recognition.

“In pursuit of public interest, the state can set reasonable regulations—*procedural, formal, and substantive*—with which organizations seeking state imprimatur must comply.”



Quezon City PTCA Federation, Inc. vs. DepEd

SUPREME COURT'S DECISION:

... requisites to the acquisition of legal personality and the exercise of rights and privileges that are accorded to an officially recognized organization, are not incompatible with the right to form associations.

Philippine Association of Free Labor Unions v. Secretary of Labor;
136 Phil. 289 (1969)



Quezon City PTCA Federation, Inc. vs. DepEd

SUPREME COURT:

“A **parent-teacher association** is a mechanism for effecting the role of parents as an indispensable element of educational communities... It **is an "arm" of the school**... Accordingly, a parent-teacher association official status not only enables it to avail itself of benefits and privileges but also establishes upon it its **solemn duty as a pillar of the educational system.**”





Query 1:

Can a guardian of a learner be elected as a PTA officer?





Query 1 :

According to DepEd Order 54, s. 2009, **membership** in the Parents-Teachers Associations (PTA) is limited to parents, or in their absence, the respective guardians of the duly enrolled students, and teachers in a given school.

The term “**guardian**” is defined as any of the following:

- a.) an individual authorized by the biological parent/s to whom the care and custody of the student has been entrusted;
- b.) a relative of the student within the fourth degree of consanguinity or affinity provided that said relative has the care and custody over the child;
- c.) an individual appointed by a competent court as the legal guardian of the student; or
- d.) in case of an orphan, the individual/institution who has the care and custody of the student.





Query 1:

On the other hand, DepEd Order No. 83, s. 2010 limits the definition of a guardian to one who is duly appointed by the court.

This means that in the absence of parents, **only the respective court-appointed guardians** of duly-enrolled students are eligible to be elected as officers in the Homeroom and School PTAs.



Query 1:



Thus, the broader definition of guardian under DO 54 pertains to membership in the PTA, while the more confined definition of a court-appointed guardian under DO 83 is for purposes of officership in the PTA.



Query 1 :



| | | |
|-------|---|----------------------------------|
| DO 54 | Guardian (court- appointed or NOT) | For membership in the PTA |
| DO 83 | Guardian who is COURT- APPOINTED | For officership in the PTA |





Query 2:

Can a school head be elected as a President of PTA of another school?

-this presupposes that he is a parent to such another school





Query 2 :

According to DepEd Order 77, s. 2009 provides:

10. A **teacher-member** cannot hold any position **in the school PTA** except as a member of the BOD or as Secretary.





Query 2 :

Title IV, Section 1d of DepEd Order 54, s. 2009, otherwise known as the *Revised Guidelines Governing Parents-Teachers Associations*, states:

IV. Board of Directors and Officers

XXX

d. The School Head shall not serve as a member of the Board of Directors but as adviser to the PTA.





Query 2 :

“It can be gleaned from the above mentioned provisions that the **prohibition** of a Principal to act as a President of the PTA is applicable only to the school where such Principal is functioning as the School Head.”





DEPARTMENT OF EDUCATION

Parents-Teachers Association Forum

THANK YOU!



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LEGAL BASES OF PTA