



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF
SIAYAN, ZAMBOANGA DEL NORTE HELD AT THE MUNICIPAL SESSION HALL ON THE 16TH DAY
OF DECEMBER, 2013.

PRESENT:

Hon. Daisy A. Limbang, Presiding Officer,
Hon. Nilo T. Pollescas, Floor Leader,
Hon. Norma R. Labastida,
Hon. Primitivo D. Castillo,
Hon. Oliver A. Romero,
Hon. Felizardo I. Gayapa, Sr.,
Hon. Raul P. Dominise,
Hon. Rico V. Jamisola,
Hon. Ma. Roselyn G. Secretario,
Hon. Johnna Glenn B. Atuy, ABC President,

Municipal Vice Mayor
Sangguniang Bayan Member

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ABSENT:

None

"MUNICIPAL ORDINANCE NO. 13-22
Series of 2013

PREFATORY STATEMENT

AN ORDINANCE IMPOSING POLICIES IN PREVENTING ACTS OF BULLYING AMONG STUDENTS
AND ANY PERSON OR GROUPS OF PERSONS THE MUNICIPALITY IN SIAYAN OF ZAMBOANGA
DEL NORTE, AND PENALIZING ANY VIOLATION THEREOF.

*Introduced by Sangguniang Bayan Member: Hon. Ma. Roselyn G. Secretario
Chairperson - Committee on Health, Social Services, Women, Children & Family Welfare*

Co-Sponsored by the Sangguniang Bayan Committee Members:

- Hon. Oliver A. Romero
- Hon. Norma R. Labastida
- Hon. Felizardo I. Gayapa, Sr.

WHEREAS, Article XIV, Section 3 of the 1987 Constitution provides that the State shall mandate
all educational institutions to develop the moral character and personal discipline of students;

WHEREAS, Section 2 of Republic Act No. 10627 otherwise known as an Act requiring all
elementary and secondary schools to adopt policies to prevent and address the acts of bullying in their
institutions, emphasizes the acts of "bullying" as something that refer to any severe or repeated use by
one or more students of a written, verbal or electronic expression, or a physical act or gesture, or any
combination thereof, directed at another student that has the effect of actually causing or placing the
latter in reasonable fear of physical or emotional harm or damage to his property; creating a hostile
environment at school for the other student; infringing on the rights of the other student at school; or
materially and substantially disrupting the education process or the orderly operation of a school; such as,
but not limited to, the following:

a. Any unwanted physical contact between the bully and the victim like punching, pushing, shoving,
kicking, slapping, tickling, headlocks, inflicting school pranks, teasing, fighting and the use of available
objects as weapons;

b. Any act that causes damage to a victim's psyche and/or emotional well-being;

c. Any slanderous statement or accusation that causes the victim undue emotional distress like directing
foul language or profanity at the target, name-calling, tormenting and commenting negatively on victim's
looks, clothes and body; and

d. Cyber-bullying or any bullying done through the use of technology or any electronic means.

WHEREAS, under Section 447 (a) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the Sangguniang Bayan as the legislative body of the Municipal Government Unit shall enact ordinances for the general welfare of its inhabitants;

WHEREAS, the Local Government Unit of Siayan like any other local government units in the country, also recognize the common problem of bullying between students that are happening in schools, such as those that are happening among students or pupils, or among teachers or school administrators; and those that are happening outside schools between out-of-school youths, between or among the young and the old folks, between the normal and mentally defective persons and/or disabled individuals;

WHEREAS, bullying not only inflicts physical and psychological harm, but also leaves an emotional scar to pupils or students, thereby adversely affecting their studies, social personality and their lives;

WHEREAS, bullying is not only happening among the pupils in the elementary grades and students in the secondary school levels but also among the adults and the rest of the non-school going individuals inflicting or victimizing vulnerable persons, such as the older ones, disabled persons, the lame, the blind, malnourished persons, and persons with physical and mental or neurotic defects and social problems;

WHEREAS, there is a need to shape the conduct of the elementary grade pupils, secondary students and all the other persons in our municipal society to instill discipline and essential values in order to uphold respect, brotherly love and harmonious existence, and as part of maintaining unity, understanding, peace and productivity towards a progressive Municipality of Siayan;

WHEREAS, looking into situations or anticipating possibilities of cases to happen, the municipal government must devise or adopt appropriate remedies to address this demeaning act in order to protect the well-being of every vulnerable person, and the pupils and students in particular for the peace of mind of their parents or guardians.

NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF SIAYAN IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE. – This Ordinance shall be known as the **"Anti-Bullying Ordinance of Siayan, Zamboanga del Norte"**.

SECTION 2. DECLARATION OF POLICY. – It is hereby declared the policy of the Municipal Government Unit of Siayan that the right of children to their survival, protection, participation and development must be given the highest priority, including those of other vulnerable persons, teachers, school administrators, workers in other institutions, members of household families, and others who might experience bullying acts. With this end, it has always been the concern of the Municipal Government to provide means to ensure the safety and security of children within their school premises and for others who will be affected of bullying. The municipality has four secondary schools and less thirty-one (31) elementary schools; hence, the municipal government owes the parents and school administrators, the responsibility to provide adequate measures to comply with this policy. Towards this end, all forms of bullying perpetuated not only in schools but done within its immediate vicinities and anywhere else on the way going back and forth to school, and in any place within the municipality of Siayan are hereby declared unlawful;

SECTION 3. – DEFINITION OF TERMS:

- a) **Students** – A learner who is enrolled in an educational institution;
- b) **School Personnel** – they are persons working for an educational institution, which includes the following:
 - b.1 **Teaching or academic staff** – persons engaged in actual teaching and/or research assignments, either on full-time or part-time basis, in all levels of educational system;
 - b.2 **School administrators** – persons that occupy policy-implementing positions relative to the functions of the school in all levels. They also have the discretion to provide the relative sanctions in case of policy violation/s;
 - b.3 **Academic non-teaching personnel** – persons holding some academic qualifications and performing academic functions directly supportive of teaching, such as registrars, librarians, research assistants, research aides and similar staff;

b.4 Non-academic personnel – school personnel not falling under the definition and coverage of teaching and academic staff, school administrators and academic non-teaching personnel.

b.5 Vulnerable persons – are those individuals who are susceptible to the acts of bullying.

SECTION 4. ACTS OF BULLYING.

1. Acts of bullying is committed by any severe or repeated use by one or more students of a written, verbal or electronic expression or a physical act of gesture or any combination thereof that may cause physical injury, emotional distress and psychological fear of physical or emotional harm to his limb, family and property, such as, but not limited to the following:
 - a) *Physical Bullying* – any unwanted, hurtful and sudden physical contact between the bully and the victim like punching, pushing, shoving, kicking, slapping, tickling, headlocks, school pranks, teasing, fighting and using available object as weapons, with the victim having no means to defend themselves;
 - b) *Psychological Bullying* – any act that causes damage to a victim's psyche and/or emotional well-being like spreading malicious and nasty rumors about the victim, excluding the victim from a group, getting certain people to "gang up" on the victim, and any similar acts that create adverse impact on the psychological well-being of the victim;
 - c) *Emotional Bullying* – name-calling, ignoring the victim on purpose, whispering to another in front of someone, keeping secrets away from a so-called friend, eye rolling, embarrassing the victim on account of his religion, physical appearance and financial status, silent but hurtful body motions such as painting or face making or any act that harassment or provocation. It also includes shouting slanderous statements or accusation that causes the victim undue emotional distress like directing foul language or profanity at the target;
 - d) *Sexual bullying* – touching any private part such as legs, breast, buttocks, or genitals of a student to embarrass, annoy, irritate, threat and torment the mind of a child, which results in an intimidating, hostile or offensive environment for the child.
2. Any student who, through acts described above, retaliates against another for reporting any acts bullying, or provides information during an investigation or is a witness thereof shall be liable under this Ordinance.;;

SECTION 5. SPECIAL PARENTAL AUTHORITY. – The school and its personnel shall special parental authority and responsibility over the student while under their supervision, instruction or custody.

Authority and responsibility shall apply to all activities of the school whether inside or outside its premises.

SECTION 6. CIVIL AND CRIMINAL LIABILITIES FOR ACTS OF BULLYING. – Those given the authority and responsibility under the preceding Section shall be principally and solidly liable for damages caused by acts of bullying to a child as provided in Section 4 of this Ordinance. The parents, judicial guardians or the persons exercising substitute parental authority over said minor shall be subsidiary liable.

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

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

The penalty of three (3) to six (6) months of imprisonment, or a fine ranging from five hundred pesos (PhP500.00) to one thousand five hundred pesos (PhP 1,500.00), or both, shall be imposed to any school personnel who shall instigate, initiate, or bring about acts of bullying between students. Furthermore, same penalty will be imposed to school personnel who shall willfully fail, obstruct, impede, or frustrate to report to the proper school authority any acts of bullying within their knowledge, as provided Section six (6), paragraph two (2) of this Ordinance.

SECTION 7. ADOPTION OF SCHOOL AND A MUNICIPAL-WIDE ANTI-BULLYING POLICIES. –

- A) All elementary and secondary school shall create and convene an Anti-Bullying Committee that will establish policies to address the existence of bullying in their respective institutions. The committee shall be composed as follows:
- 1) Principal – Chairperson
 - 2) PTCA President – Vice Chairperson
 - 3) Guidance Counselor, or its equivalent – member
 - 4) Student Council President, if applicable – member
 - 5) Representative from the Teaching or Academic Staff – member

The policies to be adopted shall be reviewed/ updated annually, and at least shall include the following:

1. A provision which prohibits the following acts:
 - a) Bullying on school grounds; property immediately adjacent to school grounds; at school-sponsored or school-related activities, functions or programs whether on or off school grounds; at school bus stops; on school buses or other vehicles owned, leased or used by a school; or through the use of technology or an electronic device owned, leased or used by a school;
 - b) Acts of bullying at a location, activity, function or program that is not school-related and through the use of technology or an electronic device that is not owned, leased or used by a school if the act or acts in question create a hostile environment at school for the victim, infringe on the rights of the victim at school, or materially and substantially disrupt the education process or the orderly operation of a school; and
 - c) Retaliation against a person who reports bullying, who provides information during an investigation of bullying, or who is a witness to or has reliable information about bullying;
2. Identify the range of disciplinary administrative actions that may be taken against a perpetrator for bullying or retaliation which shall be commensurate with the nature and gravity of the offense: Provided, That, in addition to the disciplinary sanctions imposed upon a perpetrator of bullying or retaliation, he/she shall also be required to undergo a rehabilitation program which shall be administered by the institution concerned. The parents of the said perpetrator shall be encouraged by the said institution to join the rehabilitation program;
3. Establish clear procedures and strategies for:
 - a) Reporting acts of bullying or retaliation;
 - b) Responding promptly to and investigating reports of bullying or retaliation;
 - c) Restoring a sense of safety for a victim and assessing the student's need for protection;
 - d) Protecting from bullying or retaliation of a person who reports acts of bullying, provides information during an investigation of bullying, or is witness to or has reliable information about an act of bullying; and
 - e) Providing counseling or referral to appropriate services for perpetrators, victims and appropriate family members of said students;
4. Enable students to anonymously report bullying or retaliation: Provided, however, That no disciplinary administrative action shall be taken against a perpetrator solely on the basis of an anonymous report;
5. Subject a student who knowingly makes a false accusation of bullying to disciplinary administrative action;
6. Educate students on the dynamics of bullying, the anti-bullying policies of the school as well as the mechanisms of such school for the anonymous reporting of acts of bullying or retaliation;
7. Educate parents and guardians about the dynamics of bullying, the anti-bullying policies of the school and how parents and guardians can provide support and reinforce such policies at home;

8. Maintain a public record of relevant information and statistics on acts of bullying or retaliation in school: Provided, That the names of students who committed acts of bullying or retaliation shall be strictly confidential and only made available to the school administration, teachers directly responsible for the said students and parents or guardians of students who are or have been victims of acts of bullying or retaliation;
 9. All elementary and secondary schools shall provide students and their parents or guardians a copy of the anti-bullying policies being adopted by the school. Such policies shall likewise be included in the school's student and/or employee handbook and shall be conspicuously posted on the school walls and website, if there is any;
 10. Anti-bullying policies shall also be disseminated during PTCA meetings; upon enrollment times, and during the first two months of the beginning of regular classes in a school year, and / or require each student to memorize the prohibited acts of bullying, and anti-bullying policies;
 11. The school administration shall include in its training programs, courses or activities which shall provide opportunities for school administrators, teachers and other employees to develop their knowledge and skills in preventing or responding to any bullying act;
 12. Failure of the Anti-Bullying Committee to formulate Anti-Bullying Policies within six (6) months from the date of its creation shall be liable administratively.
- B) In the case of out-of-school youths, and other vulnerable persons or individuals within this municipality, the Barangay Government Units shall tap its Barangay **Lupons** to deal with the person or group of persons responsible of bullying against other persons or individuals, and shall apply rules and procedures and other civil disciplinary actions or means practiced by the barangays in addressing and resolving complaints and/or cases of violations of this Ordinance.

SECTION 8. IMPLEMENTATION OF ANTI-BULLYING POLICIES OR MECHANISMS TO ADDRESS BULLYING. – The school administrators shall be responsible for the implementation and oversight policies to address bullying.

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

1. Notify the law enforcement agency if the school principal or designee believes that criminal charges under the Revised Penal Code may be pursued against the perpetrator;
2. Take appropriate disciplinary administrative action;
3. Notify the parents or guardians of the perpetrator; and
4. Notify the parents or guardians of the victim regarding the action taken to prevent any further acts of bullying or retaliation.

If an incident of bullying or retaliation involves students from more than one school, the school first informed of the bullying or retaliation shall promptly notify the appropriate administrator of the other school so that both may take appropriate action; and

In other case, an incident of bullying or retaliation involves out-of-school youths, adult persons, or other vulnerable individuals, any concerned citizen(s) shall immediately report to the concerned barangay officials to deal with it accordingly.

SECTION 9. REPORTING REQUIREMENT. – All schools shall inform their respective schools division superintendents in writing about the anti-bullying policies formulated within six (6) months from the effectivity of this Act. Such notification shall likewise be an administrative requirement prior to the operation of new schools.

Beginning with the school year, and every first week of the start of the school year thereafter, schools shall submit a report to their respective schools division superintendents all relevant information and statistics on acts of bullying or retaliation.

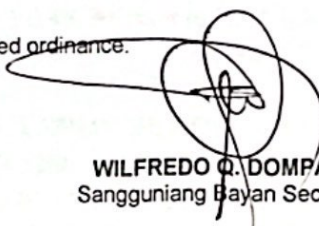
SECTION 10. SEPARABILITY CLAUSE. – If, for any reason or reasons, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provision hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 11. REPEALING CLAUSE. – All existing ordinances and resolutions, local executive orders, rules and regulations inconsistent with any of the provisions of this measure are hereby repealed and/or modified accordingly.

SECTION 12. EFFECTIVITY. – This Ordinance shall take effect immediately upon its approval and publication and public hearing.

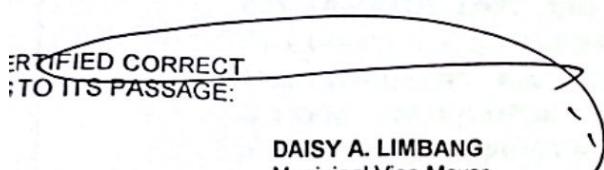
APPROVED this 16th day of December 2013.

I HEREBY CERTIFY to the correctness of the above-quoted ordinance.




WILFREDO Q. DOMPALES
Sangguniang Bayan Secretary

**CERTIFIED CORRECT
TO ITS PASSAGE:**



DAISY A. LIMBANG
Municipal Vice Mayor
(Presiding Officer)

APPROVED:



FLORA L. VILLAROSA
Municipal Mayor
Date: 1/20/14