Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
18th City Council

PO2012-33

57th Regular Session

ORDINANCE NO. SP-2157, S-2012

AN ORDINANCE PREVENTING ACTS OF BULLYING COMMITTED AMONG STUDENTS IN QUEZON CITY.

Introduced by Councilors JESUS MANUEL C. SUNTAY, EUFEMIO C. LAGUMBAY and GODOFREDO T. LIBAN II.

Co-Sponsored by Councilors Francisco A. Calalay, Jr., Dorothy A. Delarmente, Anthony Peter D. Crisologo, Ricardo T. Belmonte, Jr., Joseph P. Juico, Alexis R. Herrera, Precious Hipolito Castelo, Eden "Candy" A. Medina, Julienne Alyson Rae V. Medalla, Roderick M. Paulate, Julian ML. Coseteng, Allan Benedict S. Reyes, Jaime F. Borres, Jose Mario Don S. De Leon, Gian Carlo G. Sotto, Raquel S. Malañgen, Marvin C. Rillo, Vincent DG. Belmonte, Ivy Lim-Lagman and Ranulfo Z. Ludovica.

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, under Section 458 (a) of Republic Act No 7160, otherwise known as the Local Government Code of 1991, the Sangguniang Panlungsod as the legislative body of the City shall enact ordinances for the general welfare of its inhabitants;

WHEREAS, the Quezon City Government has taken notice of the alarming problem of bullying between students;

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

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WHEREAS, there is a need to shape the conduct of students to instill discipline and essential values so as to integrate them to be productive, dynamic and industrious citizens of Quezon City in the future;

WHEREAS, the city government must devise appropriate remedies to address this demeaning act in order to protect the well-being of the students for the peace of mind of their parents or guardians.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE. – This Ordinance shall be known as the Anti-Bullying Ordinance of Quezon City.

SECTION 2. DECLARATION OF POLICY. – It is hereby declared the policy of the Quezon City Government that the right of children to their survival, protection, participation and development must be given the highest priority. With this end, it has always been the concern of the City to provide means to ensure the safety and security of children within school premises. The Quezon City houses considerable number of reputable schools, colleges and universities and the City owes the parents the responsibility to provide adequate measures to comply with this policy. Towards this end, all forms of bullying perpetrated not only in the school but done within its immediate vicinities 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 <u>Teaching or academic staff</u> – persons engaged in actual teaching and/ or research assignments, either on full-time or part-time basis, in all levels of educational system.

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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.

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 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 objects 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.

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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 pointing or face making or any act that cause 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 of 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 have 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 solidarily 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 subsidiarily liable.

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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 one thousand pesos (PHP 1,000.00) to three thousand pesos (PHP 3,000.00), 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 in Section six (6), paragraph two (2) of this Ordinance.

SECTION 7. ADOPTION OF SCHOOL ANTI-BULLYING POLICIES. – 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- as chairperson
2.)Parents – Teachers Community Association (PTCA) President- as vice-chairperson
3.)Guidance Councilor, or its equivalent – as member
4.)Student Council President, if applicable- as member
5.)Any representative from the Teaching or academic staff- as member

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

1. *Include a provision which prohibits the following acts:*

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

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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 victims, infringe on the rights of the victim at school, or materially and substantially disrupt the education process or the orderly operation of a school; 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. *Establish clear procedures for school personnel, students, parents, guardians, and others to report acts of bullying or retaliation;*

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

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

5. *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;*

6. *Establish clear procedures for restoring a sense of safety for a victim and assessing that student's needs for protection.*

7. *Establishing strategies for protecting from acts of bullying or retaliation a child who reports bullying, provides information during an investigation of bullying, or is a witness to or has reliable information about the same;*

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

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

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

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

All elementary and secondary schools shall provide students and their parents or 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.

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

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

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

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

2. *Take appropriate disciplinary administrative action against the perpetrator;*

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 acts of bullying or retaliation involve 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.

SECTION 9. 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 10. 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.

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SECTION 11. EFFECTIVITY. – The Ordinance shall take effect immediately upon its approval and publication in a newspaper of general circulation.

ENACTED: May 21, 2012.

MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept Head III

APPROVED: 13 JUL 2012

HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on May 21, 2012 and was PASSED on Third/Final Reading on May 28, 2012.

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept Head III

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