



Republic of the Philippines
 PROVINCE OF CAGAYAN
 City of Tuguegarao

SEVENTH CITY COUNCIL



EXCERPTS FROM THE MINUTES OF THE 46th REGULAR SESSION
 OF THE SEVENTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN
 HELD ON JULY 03, 2017, 9:00 A.M., MONDAY,
 AT THE SANGGUNIANG PANLUNGSOD SESSION HALL

PRESENT:

Hon. Kendrick S. Calubaquib	Sangguniang Panlungsod Member, Temporary Presiding Officer
Hon. Maila Rosario T. Que	Sangguniang Panlungsod Member
Hon. Arnel T. Arugay	-do-
Hon. Gilbert S. Labang	-do-
Hon. Winnoco R. Abraham	-do-
Hon. Imogen Claire M. Callangan	-do-
Hon. Raymund P. Guzman	-do-
Hon. Grace B. Arago	-do-
Hon. Anthony C. Tuddao	-do-
Hon. Jose Pedro G. Velasco	-do-

ABSENT:

Hon. Danilo L. Baccay	City Vice Mayor, Regular Presiding Officer
Hon. Jude T. Bayona	Sangguniang Panlungsod Member (on Sick Leave)
Hon. Mary Marjorie P. Martin-Chan	Sangguniang Panlungsod Member

CITY ORDINANCE NO. 17-2017

**AN ORDINANCE PREVENTING ACTS OF BULLYING COMMITTED AMONG STUDENTS
 IN THE CITY OF TUGUEGARAO AND FOR THE ESTABLISHMENT OF THE ANTI-
 BULLYING COUNCIL OF TUGUEGARAO CITY**

Sponsors: Hon. Maila Rosario T. Que
 Hon. Mary Marjorie P. Martin-Chan
 Hon. Jude T. Bayona
 Hon. Grace B. Arago

Co-Sponsors: Hon. Kendrick S. Calubaquib
 Hon. Arnel T. Arugay
 Hon. Gilbert S. Labang
 Hon. Winnoco R. Abraham
 Hon. Imogen Claire M. Callangan
 Hon. Raymund P. Guzman
 Hon. Anthony C. Tuddao
 Hon. Jose G. Velasco

WHEREAS, Section 5, Article II of the 1987 Constitution states that protection of life, liberty and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy;

WHEREAS, Section 3, Article XIV of the 1987 Constitution states that the State shall mandate all educational institutions to develop awareness, foster love of humanity, strengthen ethical values and develop moral character and personal discipline;

WHEREAS, pursuant to Republic Act 10627 or otherwise known as the Anti-Bullying Act of 2013, all elementary and secondary schools are mandated to adopt policies to prevent and address the acts of bullying in their institutions;

Rec'd by: POWENA / L. W. MATEI

WHEREAS, numerous studies have already shown that bullying which includes cyber-bullying causes a serious and widespread problem in all educational institutions in the City;

WHEREAS, bullying in all levels of the educational system is a crisis that inflicts not only physical but also psychological harm to the students; it marks a deep-embedded scar within their souls which adversely affects their mental and social growth, thus hindering their capability to effectively learn from their studies;

WHEREAS, bullying has been, in usual cases, linked to the detriment of the students' physical, psychological and mental health, to those bullied and even those who bully;

WHEREAS, this social problem is most likely to cause the students' mental health problems, depression and anxiety, alcohol and tobacco abuse, illegal substance use and addiction, and dislike to school which lead to skipping of classes and eventually dropping-out;

WHEREAS, in worst cases, this crisis leads to suicide ideation or attempt among students who experience bullying;

WHEREAS, on the other hand, those who bully have a higher risk of negating the normal precepts of a responsible human to a just and humane life, thus they grow up irresponsible and are more likely to have criminal convictions;

WHEREAS, this societal dilemma occurring in the educational environments is needed to be addressed strongly, as such, all demographic populations must be considered, however, with more concentration to the usual victims of bullying who belong to specific populations (e.g. poor, persons with disability, obese, gifted, sexual minority, etc.);

WHEREAS, the need to nourish the morals and conduct of students is of great concern and there is a need to engrave and instill discipline and all other essential values, most especially respect for others, and for all students to properly recognize the responsibilities of a proper human being in building a just and humane society;

WHEREAS, it is incumbent upon this august Body to institutionalize and localize the Anti-Bullying Act of 2013 as an Ordinance and in addition thereto, for the furtherance of its objectives, additional measures must be made and put in force;

WHEREAS, the establishment of an Anti-Bullying Council in the City, a specific body designed to address the present matter, is needed in order to formulate and put into action specific mechanisms and programs in line with the Anti-Bullying Act of 2013 and its Implementing Rules and Regulations;

WHEREAS, although the Implementing Rules and Regulations of the Anti-Bullying Act is already comprehensive in terms and objectives, it shall be the role of the Anti-Bullying Council to supplement policies and mechanisms to bring about the full objective of the Act;

WHEREAS, the Anti-Bullying Council shall spearhead and work hand-in-hand with relevant government agencies and non-government organizations to address issues of bullying in educational institutions;

WHEREAS, in consideration of the broad aspect of this matter, the Local Government of Tuguegarao City shall coordinate the matter with the pertinent government agencies and all other organizations for effective attainment of this objective;

WHEREAS, in pursuance to the present societal call of this problem and by mandate of the laws, this matter needs this Honorable Council's action on the matter through the passage of this Ordinance.

NOW, THEREFORE, be it **RESOLVED**, as it hereby **RESOLVED**, that City Ordinance No. 17-2017 shall be enacted by the Tuguegarao City Council assembled:

SECTION 1. TITLE

This Ordinance shall be known and cited as the "*Anti-Bullying Ordinance of Tuguegarao City.*"

SECTION 2. DECLARATION OF POLICY

It is hereby declared that it is the policy of the Local Government of Tuguegarao City that the right of all students to healthy educational growth and development, protection and personal privacy is of utmost consideration and priority. The City of Tuguegarao having been strategically set up as the Regional Center of Region II takes care of the majority number of the educational institutions in the Region and is, therefore, under obligation to provide measures to comply with this policy. As such, all forms of bullying perpetrated in schools and within their immediate vicinities are hereby declared unlawful.

SECTION 3. DEFINITION OF TERMS

- a. "Bullying" - refers 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/her property; creating a hostile environment at school for the other student; infringing on the rights of another 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:
 1. 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;
 2. Any act that causes damage to a victim's psyche and/or emotional well-being;
 3. 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;
 4. "Cyber-bullying" or any bullying done through the use of technology or any electronic means. The term shall also include any conduct resulting to harassment, intimidation or humiliation through the use of other forms of technology, such as, but not limited to, texting, email, instant messaging, chatting, internet, social media, online games, or other platforms or formats as defined in DepED Order No. 40, s. 2012; and,
 5. Any other form of bullying as may be provided in the school's child protection or anti-bullying policy, consistent with the Anti-Bullying Act and its Implementing Rules and Regulations.
- b. 1. The term "bullying" shall also include:
 1. "Social bullying" – refers to any deliberate, repetitive and aggressive social behavior intended to hurt others or to belittle another individual or group.
 2. "Gender-based bullying" – refers to any act that humiliates or excludes a person on the basis of perceived or actual sexual orientation and gender identity (SOGI).
- c. "Bully" – refers to any student who commits acts of bullying as defined by this Ordinance, the Anti-Bullying Act and its Implementing Rules and Regulations.
- d. "Bullied" or "Victim" – refers to any student who experiences the acts of bullying or retaliation as defined by this Ordinance, the Anti-Bullying Act and its Implementing Rules and Regulations.
- e. "Bystander" – refers to any person who witnesses or has personal knowledge of any actual or perceived acts or incidents of bullying or retaliation as defined by this Ordinance, the Anti-Bullying Act's Implementing Rules and Regulations.
- f. "Learning center" – refers to learning resources and facilities of a learning program for out-of-school youth and adults as defined in DepED Order No. 43, s. 2013.
- g. "Service provider" – refers to any person who is not a teacher or school personnel but who works in the school, such as, but not limited to, security guards, canteen personnel, utility workers, and transportation service personnel.
- h. "Student" – refers to a person who attends classes in any level of basic education, and includes a pupil or learner as defined in DepED Order No. 40, s. 2012.

- i. "Anti-Bullying Council of Tuguegarao City" – refers to the City's key body responsible for the enforcement of this Ordinance and its objectives.

SECTION 4. PROHIBITED ACTS. Consistent with the Implementing Rules and Regulations of Republic Act 10627, the following acts are prohibited:

1. Bullying at the following:
 - a. school grounds;
 - b. property immediately adjacent to school grounds;
 - c. school-sponsored or school-related activities, functions or programs whether on or off school grounds;
 - d. school bus stops;
 - e. school buses or other vehicles owned, leased or used by a school; and,
 - f. school buses or school services privately-owned but accredited by the school.
2. Bullying through the use of technology or an electronic device or other forms of media owned, leased or used by a school.
3. Bullying at a location, activity, function or program that is not school-related and through the use of technology or an electronic device or other forms of media that are not owned, leased or used by a school; and,
4. 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.

SECTION 5. DUTY OF THE SCHOOLS

The schools and their personnel are charged with special parental authority and responsibility over the students while under their custody, supervision and instruction. This authority and responsibility shall apply to all activities of the school whether inside or outside its premises.

SECTION 6. LIABILITY FOR VIOLATION/S OF THIS ORDINANCE

The school shall be principally and solidarily liable together with the child-offender's parents for damages caused by the prohibited acts mentioned in this Ordinance.

The liability mentioned in preceding paragraph shall not apply if it is proved that they exercised due and proper diligence required under the particular circumstances.

Any person who is eighteen (18) years or older who violates Section 4 of this Ordinance shall be guilty of a crime or a felony as may be applicable under the provisions of the Revised Penal Code or any Special Penal Law.

The penalty of three (3) to six (6) months of imprisonment and/or a fine ranging from five thousand pesos (Php 5,000.00) and other penalties provided for in Republic Act No. 10627 shall be imposed to any school personnel or parent who shall instigate, initiate or bring about acts of bullying between students.

Same penalty shall be imposed to school personnel who shall willfully fail, impede, or frustrate to report to the proper authority any acts of bullying within their knowledge.

SECTION 7. ADOPTION OF ANTI-BULLYING POLICIES. For purposes of this Ordinance and consistent with Republic Act 10627 and its Implementing Rules and Regulations, all schools are hereby directed to adopt policies to address the existence of bullying in their respective institutions. Such policies shall be regularly updated and, at a minimum, shall include provisions which:

- (a) Prohibit the following acts:

- (1) 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;

- (2) 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,
 - (3) 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;
- (b) 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;
 - (c) Establish clear procedures and strategies for:
 - (1) Reporting acts of bullying or retaliation;
 - (2) Responding promptly to and investigating reports of bullying or retaliation;
 - (3) Restoring a sense of safety for a victim and assessing the student's need for protection;
 - (4) 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,
 - (5) Providing counseling or referral to appropriate services for perpetrators, victims and appropriate family members of said students;
 - (d) 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;
 - (e) Subject a student who knowingly makes a false accusation of bullying to disciplinary administrative action;
 - (f) 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;
 - (g) 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; and,
 - (h) 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.

All 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.

The Department of Education (DepED) – Tuguegarao City School Division, the Commission on Higher Education and the Technical Education and Skills Development Authority shall include in their respective 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.

SECTION 8. MECHANISMS TO ADDRESS BULLYING. The school principal or any person who holds a comparable role shall be responsible for the implementation and oversight of policies intended 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:

- (a) 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;
- (b) Take appropriate disciplinary administrative action;
- (c) Notify the parents or guardians of the perpetrator; and,
- (d) 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.

SECTION 9. THE ANTI-BULLYING COUNCIL OF TUGUEGARAO CITY (ABCTC)

The Anti-Bullying Council of Tuguegarao City is hereby created and shall be headed by the City's Local Chief Executive as its chairman, and to ensure the effective implementation of this Ordinance and its objectives, the following shall be members of the ABCTC:

1. The City Vice Mayor
2. Schools Division Superintendent of DepEd-Tuguegarao Schools Division
3. Regional Director of CHED
4. Provincial Director of TESDA
5. Representative of College Student Councils – The selection for the Council position shall be done through an election participated by the Presidents of all college level student government/councils convened for that purpose.
6. Representative of Parents-Teachers Associations (PTA) - The selection for the Council position shall be done through an election participated by the Presidents of all PTAs convened for that purpose
7. The City Prosecutor
8. The City Social Welfare and Development Coordinator
9. The educational institutions are to be represented in the Council by the Schools Division Superintendent, the Regional Director of CHED or the Provincial Director of TESDA as the case may be depending on which a concerned educational institution may fall under except for interests adverse to their position
10. Chief of Police or his representative
11. Persons with Disabilities sector representative
12. Elected representative of guidance counsellors from private primary and secondary divisions

SECTION 9. REPORTING REQUIREMENT. Along with the requirements of Republic Act 10627, all schools shall likewise inform the Anti-Bullying Council of Tuguegarao City in writing about the anti-bullying policies formulated.

Such notification shall likewise be an administrative requirement prior to the operation of new schools.

Schools shall submit a report to the Anti-Bullying Council all relevant information and statistics on acts of bullying or retaliation. The Sangguniang Panglungsod Secretariat, acting as the Council's Secretariat, shall compile these data to be utilized by the Council for policy-formulation and strategizing mechanisms.

SECTION 10. SANCTION FOR NONCOMPLIANCE. The DepEd, Commission on Higher Education and the TESDA shall prescribe the appropriate administrative sanctions on school administrators who shall fail to comply with the requirements under this Ordinance. In addition thereto, erring private schools shall likewise suffer the penalty of suspension of their permits to operate.

SECTION 11. SEPARABILITY CLAUSE. Should any provision of this ordinance be declared unconstitutional or illegal by any court of competent jurisdiction, the parts which are not affected shall remain in full force or effect.

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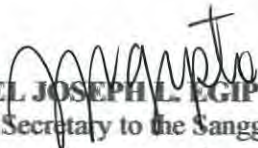
SECTION 9. REPEALING CLAUSE. Any provision of ordinance, rules, and regulations and/or parts thereof inconsistent with the provisions of this ordinance are hereby amended, modified and/or repealed accordingly.

SECTION 10. EFFECTIVITY. This ordinance takes effect immediately upon its approval and publication in a newspaper of general circulation.

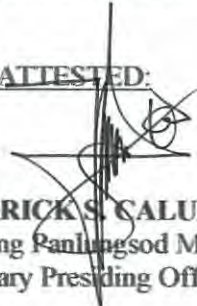
On motion of Hon. Maila Rosario T. Que, and without any objection, **CITY ORDINANCE NO. 17-2017** was **APPROVED** on its Third and Final Reading.

X-X-X

I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:


JOEL JOSEPH L. EGIPTO, Ph.D.
Secretary to the Sanggunian *670417*

ATTESTED:


HON. KENDRICK S. CALUBAQUIB
Sangguniang Panlungsod Member
Temporary Presiding Officer

APPROVED:


HON. BIENVENIDO C. DE GUZMAN II
City Mayor

Date: 7/5/17