



Republic of the Philippines
Department of Education
Region XI
SCHOOLS DIVISION OF DIGOS CITY
Digos City



DIVISION MEMORANDUM
No. 1073, s. 2018

November 8th, 2018

**REITERATION OF DEPED ORDER NO. 40, S. 2012, DEPED ORDER NO. 55, S. 2013
AND DEPED ORDER NO. 18, S. 2015**

To: **ALL SCHOOL HEADS
GUIDANCE CONSELLORS / DESIGNATES IN SCHOOLS
CHILD PROTECTION COMMITTEES IN SCHOOLS**

1. Pursuant to the continuing commitment of the Schools Division Office of Digos City to adhere to and strictly implement the following issuances:
 - a. DepEd Order No. 40, s. 2012, otherwise known as the DepEd Child Protection Policy;
 - b. DepEd Order No. 55, s. 2013, also known as the Implementing Rules and Regulations of R.A. 10627 or the Anti-Bullying Act of 2013; and
 - c. DepEd Order No. 18, s. 2015, equally recognized as the DepEd Guidelines and Procedures in the Management of Children at Risk (CAR) and Children in Conflict with the Law (CICL)

and in celebration of the National Children's Month, this Office reiterates uncompromising compliance with the abovementioned DepEd Orders among all teaching and non-teaching personnel within the division.

2. In view thereof and to positively guide the recipients of this Memorandum in drafting and observing their school based child protection and anti-bullying policies, this Office hereby issues a draft document entitled "THE SCHOOL BASED CHILD PROTECTION AND ANTI-BULLYING POLICIES WITH CODE OF CONDUCT FOR LEARNERS OF _____ ELEMENTARY / NATIONAL HIGH / SENIOR HIGH SCHOOL".
3. The recipients of herein Memorandum are expected to appreciate, disseminate, implement and observe the provisions of the said document within their respective jurisdictions.
4. Such recipients are likewise anticipated to craft their own School Based Child Protection and Anti-Bullying Policies with the said document as a pattern, amped with contextualized features which should not in any way contravene against any statute or DepEd Order.
5. Immediate distribution of and compliance with this Memorandum is directed.

DepEd Schools Division of Digos City

RECORDS SECTION

RELEASED
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DATE: NOV 08 2018 TIME: 8:11 AM
BY: [Signature]

[Signature]
WINNIE E. BATON, Ed.D.

Officer in Charge

Office of the Schools Division Superintendent

Encls: Copy of "THE SCHOOL BASED CHILD PROTECTION AND ANTI-BULLYING POLICIES WITH CODE OF CONDUCT FOR LEARNERS OF _____ ELEMENTARY / NATIONAL HIGH / SENIOR HIGH SCHOOL"

References: DEPED ORDER NO. 40, S. 2012
DEPED ORDER NO. 55, S. 2013
DEPED ORDER NO. 18, S. 2015

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

CHILD PROTECTION POLICY

GMLB: REITERATION OF DEPED ORDER NO. 40, S. 2012, DEPED ORDER NO. 55, S. 2013 AND DEPED ORDER NO. 18, S. 2015

November 11, 2018

**THE SCHOOL BASED CHILD PROTECTION AND ANTI-BULLYING POLICIES
WITH CODE OF CONDUCT FOR LEARNERS OF _____
ELEMENTARY / NATIONAL HIGH / SENIOR HIGH SCHOOL**

ARTICLE I

PRELIMINARY STATEMENT

“Many abused children cling to the hope that growing up
will bring escape and freedom.

But the personality formed in the environment of coercive
control is not well adapted to adult life. The survivor is left
with fundamental problems in basic trust, autonomy, and
initiative. She approaches the task of early
adulthood—establishing independence and
intimacy—burdened by major impairments in self-care, in
cognition and in memory, in identity, and in the capacity to
form stable relationships.

She is still a prisoner of her childhood; attempting to create a
new life, she reencounters the trauma.”

— Judith Lewis Herman, *Trauma and Recovery: The
Aftermath of Violence - From Domestic Abuse to Political
Terror*

ARTICLE II

GENERAL PROVISIONS

Section 1. Pursuant to DepEd Order No. 40, s. 2012, otherwise known as the DepEd Child Protection Policy, DepEd Order No. 55, s. 2013, also known as the Implementing Rules and Regulations (IRR) of RA No. 10627 or the Anti-Bullying Act of 2013 and DepEd Order No. 18, s. 2015 equally recognized as the DepEd Guidelines and Procedures in the Management of Children at Risk (CAR) and Children in Conflict with the Law (CICL), Jolencio R. Alberca Elementary School (JRAES) hereby create, adopt and promulgate its School-Based Child Protection And Anti-Bullying Policy.

Section 2. Definition of Terms

- A. Child - any person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition. The term also includes pupils or students who may be eighteen (18) years of age or older but are in school.
- B. Child Protection - the programs, services, procedures and structures that are intended to prevent and respond to abuse, neglect, exploitation, discrimination and violence.

- C. Child Abuse – the maltreatment of a child, whether habitual or not which includes any of the following:
1. Psychological or physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment.
 2. Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being.
 3. Unreasonable deprivation of a child's basic needs for survival such as food and shelter; or
 4. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his or her growth and development or in the child's permanent incapacity or death.
- D. Discrimination against children – An act of exclusion, distinction, restriction or preference which is based on any ground such as age, ethnicity, sex, sexual orientation and gender identity, language, religion, political or other opinion, national or social origin, property, birth, being infected by Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS), being pregnant, being a child in conflict with the law, being a child with disability or other status or condition, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.
- E. Child exploitation – the use of children for someone else's advantage, gratification or profit often resulting in an unjust, cruel and harmful treatment of the child. These activities disrupt the child's normal physical or mental health, education, moral or social emotional development. It covers situations of manipulation, misuse, abuse, victimization, oppression or ill-treatment.

There are two (2) main forms of child exploitation that are recognized:

1. Sexual exploitation – the abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes, but is not limited to forcing a child to participate in prostitution or the production of pornographic materials, as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud or through abuse of a victim's vulnerability.
 2. Economic exploitation – the use of the child in work or other activities for the benefit of others. Economic exploitation involves a certain gain or profit through the production, distribution and consumption of goods and services. This includes, but is not limited to, illegal child labor, as defined in RA 9231.
- F. Prohibited Worst Forms of Child Labor under RA 9231 – refers to any of the following:
- (1) All forms of slavery, as defined under the "Anti-trafficking in Persons Act of 2003, or practices similar to slavery such as sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including recruitment of children for use in armed conflict; or

(2) The use, procuring, offering or exposing of a child for prostitution, for the production of pornography or for pornographic performances; or

(3) The use, procuring or offering of a child for illegal or illicit activities, including the production and trafficking of dangerous drugs and volatile substances prohibited under existing laws; or

(4) Work which, by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety or morals of children, such that it:

a) Debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; or

b) Exposes the child to physical, emotional or sexual abuse, or is found to be highly stressful psychologically or may prejudice morals; or

c) Is performed underground, underwater or at dangerous heights; or

d) Involves the use of dangerous machinery, equipment and tools such as power-driven or explosive power-actuated tools; or

e) Exposes the child to physical danger such as, but not limited to the dangerous feats of balancing, physical strength or contortion, or which requires the manual transport of heavy loads; or

f) Is performed in an unhealthy environment exposing the child to hazardous working conditions, elements, substances, co-agents or processes involving ionizing, radiation, fire, flammable substances, noxious components and the like, or to extreme temperatures, noise levels, or vibrations; or

g) Is performed under particularly difficult conditions; or

h) Exposes the child to biological agents such as bacteria, fungi, viruses, protozoans, nematodes and other parasites; or

i) Involves the manufacture or handling of explosives and other pyrotechnic products.

G. Violence against children committed in schools – a single or series of acts committed by school administrators, academic and non-academic personnel against a child, which result in or is likely to result in physical, sexual, psychological harm or suffering, or other abuses including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to the following acts:

1. Physical violence – acts that inflict bodily or physical harm. It includes assigning children to perform tasks which are hazardous to their physical well-being.

2. Sexual violence – acts that are sexual in nature. It includes, but is not limited to:

- a. Rape, sexual harassment, acts of lasciviousness, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim's body.
 - b. Forcing the child to watch obscene publications and indecent shows or forcing the child to do indecent sexual acts and/or to engage or be involved in the creation or distribution of such films, indecent publication or material; or
 - c. Acts causing or attempting to cause the child to engage in any sexual activity by force, threat or force, physical or other harm or threat of physical or other harm or coercion, or through inducements, gifts or favors.
3. Psychological violence – acts or omissions causing or likely to cause mental or emotional suffering of a child, such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, deduction or threat of deduction from grade or merit as a form of punishment, repeated verbal abuse.
 4. Other acts of violence of a physical, sexual or psychological nature that are prejudicial to the best interest of the child.
- H. Corporal Punishment – a kind of punishment or penalty imposed for an alleged or actual offense, which is carried out or inflicted, for the purpose of discipline, training or control, by a teacher, school administrator, an adult, or any other child who has been given or has assumed authority or responsibility for punishment or discipline. It includes physical, humiliating or degrading punishment, including, but not limited to the following:
1. Blows such as, but not limited to, beating, kicking, hitting, slapping, or lashing, of any part of the child's body, with or without the use of an instrument such as, but not limited to a cane, broom, stick, whip or belt.
 2. Striking of a child's face or head, such being declared as a "no contact zone".
 3. Pulling hair, shaking, twisting joints, cutting or piercing skin, dragging, pushing or throwing of a child.
 4. Forcing a child to perform physically painful or damaging acts such as but not limited to, holding a weight or weights for an extended period and kneeling on stones, salt, pebbles or other objects.
 5. Deprivation of a child's physical needs as form of punishment.
 6. Deliberate exposure to fire, ice, water, smoke, sunlight, rain, pepper, alcohol, or forcing a child to swallow substances, dangerous chemicals, and other materials that can cause discomfort or threaten the child's health, safety and sense of security such as, but not limited to bleach or insecticides, excrement or urine.
 7. Tying up a child.
 8. Confinement, imprisonment or depriving the liberty of a child.

9. Verbal abuse or assaults, including intimidation or threat of bodily harm, swearing or cursing, ridiculing or denigrating the child.
 10. Forcing a child to wear a sign, to undress or disrobe, or to put on anything that will make a child look or feel foolish, which belittles or humiliates the child in front of others.
 11. Permanent confiscation of personal property of pupils, students or learners, except when such pieces of property pose a danger to the child or to others; and
 12. Other analogous acts.
- I. Bullying – 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 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 psych 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 – 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, and online games.
 5. Social bullying – any deliberate, repetitive and aggressive social behaviour intended to hurt others or to belittle another individual or group.
 6. Gender-based bullying – any act that humiliates or excludes a person on the basis of perceived or actual sexual orientation and gender identity.
- J. Bully – any student who commits acts of bullying herein defined.
- K. Bullied – any student who experiences the acts of bullying or retaliation herein defined.
- L. Child in Conflict with the Law (CICL) – a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.
- M. Child at Risk (CAR) - a child who is vulnerable to and at risk of behaving in a way that can harm himself, herself or others, or vulnerable and at risk of being

pushed and exploited to come into conflict with the law because of personal, family and social circumstances such as, but not limited to the following:

I.

1. Being abused by any person through sexual, physical, psychological, mental, economic or any other means, and the parents or guardian refuse, are unwilling, or unable to provide protection for the child.
2. Being exploited including sexually or economically.
3. Being abandoned or neglected, and after diligent search and inquiry, the parents or guardians cannot be found.
4. Coming from a dysfunctional or broken family or being without a parent or guardian.
5. Being out of school.
6. Being a street child.
7. Being a member of a gang.
8. Living in a community with a high level of criminality or drug abuse.
9. Living in situations of armed conflict.

II.

CAR also refer to a child who has violated ordinances enacted by local governments concerning juvenile status offenses such as but not limited to curfew violations, truancy, parental disobedience, anti-smoking and anti-drinking laws, as well as light offenses and misdemeanours against public order or safety such as but not limited to disorderly conduct, public scandal, harassment, drunkenness, public intoxication, criminal nuisance, vandalism, gambling, mendicancy, littering, public urination, and trespassing.

III.

Children at Risk also includes those who commit:

1. A status offense under Section 57 of RA No. 9344 as amended.
 2. Prostitution under Section 202 of the revised Penal Code, as amended.
 3. Mendicancy under P.D. 1563, and
 4. Sniffing rugby under P.D. No 1619
- N. Confidentiality – In child abuse, violence, discrimination, exploitation, bullying or peer abuse and other acts of abuse by a pupil, student or learners, identity or other information that may reasonably identify the pupil, student or learner, whether victim or offender, shall be withheld from the public to protect his or her privacy.

On the other hand, the Magna Carta for Public School Teachers protects the rights of teachers an no publicity shall be given to any disciplinary action against a teacher during the pendency of his or her case.

- O. Criminal and Civil Liability – Criminal and civil liability arising from child abuse, discrimination, exploitation, and other acts of abuse are separate and distinct, and shall not be a bar to the filing of an administrative case under pertinent DepEd Orders.

ARTICLE III

ESTABLISHMENT OF THE CHILD PROTECTION COMMITTEE

Section 1. The Child Protection Committee (CPC) of JRAES shall be composed of the following:

1. Principal / School Head / Administrator – Chairperson
2. Guidance Counselor / School Guidance Designate / Teacher – Vice Chairperson
3. Representative of the Teachers as designated by the Faculty Club
4. Representatives of the Parents as designated by the Parents-Teachers Association
5. Representative of the pupils, students and learners as designated by the Supreme Student Council
6. Representative from the Community as designated by the Punong Barangay, preferably a member of the Barangay Council for the Protection of Children (BCPC).

Section 2. The CPC shall perform the following functions:

1. Draft a school child protection policy with a code of conduct and a plan to ensure child safety, which shall be reviewed every three (3) years.
2. Initiate information dissemination programs and organize activities for the protection of children from abuse, exploitation, violence discrimination and bullying or peer abuse.
3. Develop and implement a school-based referral and monitoring system.
4. Establish a system for identifying students who may be suffering from significant harm based on any physical, emotional or behavioural signs.
5. Identify, refer and, if appropriate, report to the appropriate offices cases involving child abuse, exploitation, violence, discrimination and bullying.
6. Give assistance to parents or guardians, whenever necessary in securing expert guidance counselling from appropriate offices or institutions.
7. Coordinate closely with the Women and Children Protection Desks of the Philippine National Police (PNP), the Local Social Welfare and Development Office (LSWDO), other government agencies, and non-governmental organizations (NGOs), as may be appropriate.
8. Constitute as Restorative Justice Panel, in accordance with D.O. 18, s. 2015, whenever appropriate.
9. Monitor the implementation of positive measures and effective procedures in providing the necessary support for the child and those who care for the child.

10. Function as the school's Anti-Bullying Committee and perform the following tasks:
 - a. Conduct awareness-raising programs with school stakeholders in preventing and addressing bullying.
 - b. Ensure that the anti-bullying policy adopted by the school is implemented.
 - c. Monitor all cases or incidents related to bullying reported or referred by the teacher, guidance counselor or coordinator or any person designated to handle prevention and intervention measures mentioned by pertinent DepEd Orders herein-mentioned.
 - d. Make the necessary referrals to appropriate agencies, offices or persons, as may be required by the circumstances.
11. Ensure that the children's right to be heard are respected and upheld in all matters and procedures affecting their welfare.

ARTICLE IV

DUTIES AND RESPONSIBILITIES OF PUPILS, STUDENTS AND LEARNERS

Section 1. Pupils, students and learners shall have the following duties and responsibilities:

- A. Comply with the school's regulations, as long as they are in harmony with their best interests. Pupils, students and learners shall refrain from:
 - i. Engaging in discrimination, or leading a group of pupils or students to discriminate another, with reference to one's physical appearance, weaknesses and status of any sort.
 - ii. Doing any act that is inappropriate or sexually provocative.
 - iii. Participating in behaviour of other students that is illegal, unsafe or abusive.
 - iv. Marking or damaging school property, including books, in any way.
 - v. Engaging in fights or any aggressive behaviour.
 - vi. Introducing into the school premises or otherwise possessing prohibited articles, such as deadly weapons, prohibited drugs, alcoholic, toxic and noxious substances, cigarettes and pornographic material.
 - vii. Performing other similar acts that cause damage or injury to another.

An allegation that any of these acts has been committed shall not be used to curtail the child's basic rights, or interpret to defeat the objectives of pertinent DepEd Orders geared towards child protection in schools.

- B. Conduct themselves in accordance with their levels of development, maturity, and demonstrated capabilities, with a proper regard for the rights and welfare of other persons.
- C. Respect another person's rights regardless of opinion, status, gender, ethnicity, religion, as well as everyone's moral and physical integrity; and
- D. Observe the Code of Conduct for pupils, students and learners as promulgated by the Child Protection Committee.

ARTICLE V

PROHIBITED ACTS

Section 1. The following acts are hereby prohibited and shall be penalized in administrative proceedings as Grave or Simple Misconduct depending on the gravity of the act and its consequences, under existing laws, rules and regulations:

- 1. Child abuse.
- 2. Discrimination against children.
- 3. Child Exploitation.
- 4. Violence Against Children in School.
- 5. Corporal Punishment.
- 6. Any analogous or similar acts.

Section 2. Consistent with the Anti-Bullying Act, the following acts are likewise 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 vehicles or other vehicles leased or used by a school.
 - e. 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, program that is not school-related and through the use of technology or an electronic device or other forms of media that is not owned, leased or used by a school; and
- 4. Retaliation against a person who reports bullying, who provides information during investigation of bullying, or who is a witness to or has reliable information about bullying.

Section 3. Pupils, students and learners shall refrain from performing the following acts:

- 1. Engaging in discrimination, or leading a group of pupils or students to discriminate another, with reference to one's physical appearance, weaknesses and status of any sort.

2. Doing any act or uttering anything that is inappropriate or sexually provocative.
3. Participating in behaviour of other students that is illegal, unsafe or abusive.
4. Marking or damaging school property, including books, in any way.
5. Engaging in fights or any aggressive behaviour.
6. Introducing into school premises or otherwise possessing prohibited articles, such as deadly weapons, prohibited drugs and controlled substances, alcohol, toxic and noxious substances, cigarettes and pornographic materials.
7. Using cellular phones during class hours.
8. Performing disrespectful acts and /or uttering any expression which are inimical to other person's rights on account of his / her opinion, status, ethnicity, religion, economic status, gender, authority, moral and physical integrity within the school or its adjacent premises.
9. Cheating and stealing within the school premises.
10. Physically and / or verbally assaulting teachers and school personnel within or outside school premises.
11. Gambling in any form within the school premises.
12. Organizing, joining, promoting the organization and joining of fraternities, sororities and gangs within the school and its adjacent premises.
13. Violating Republic Act 11053, otherwise known as the Anti-Hazing Law of 2018.
14. Holding any activity directly or indirectly supporting the promotion and/or proliferation of fraternities, sororities and gangs within the school and its adjacent premises.
15. Forging or tampering with official school documents.
16. Disrespecting the National Flag and / or the National Anthem.
17. Non-observance of the Code of Conduct for pupils, students and learners as promulgated by the CPC.
18. Performing similar acts that are rationally inappropriate and cause damage, injury and disturbance to another or school properties, subject to related DepEd Orders and Issuances.

ARTICLE VI

RULES AND PROCEDURE

Section 1. Handling child abuse, exploitation, violence and discrimination against children cases:

- a. The school head, upon receipt of the complaint shall forward the same within forty-eight (48) hours to the Disciplining Authority.
- b. If the complaint is not sufficient in form, in accordance with D.O. 49, s. 2006, the school head shall immediately inform the complainant of the requirements of a formal complaint. Upon filing of the formal complaint, the same shall be acted upon pursuant to the paragraph a.
- c. In all cases involving child abuse, violence, exploitation discrimination and other acts of abuse, the CPC shall immediately accomplish the Intake Sheet attached in D.O. 40, s. 2012 and submit the same to the Office of the Schools Division Superintendent for appropriate action.
- d. The school head may refer the victim and the offender in cases involving child abuse, exploitation, discrimination and other acts of abuse, to the LSWDO for assessment. The LSWDO shall determine the appropriate intervention.
- e. The school head, with the aid of the assigned guidance counsellor/teacher, and in coordination with the LSWDO, shall immediately remove the victim, or in appropriate cases the offender, from the place of the incident, if the victim is determined to be at risk. The child's family shall be informed of any action taken.
- f. The school head may also refer to the LSWDO other pupils, students or learners who are victims of abuse at home, children at risk, children in especially difficult circumstances, children with special needs or at risk, children facing difficult situations, or those who are exhibiting signs of aggressive behaviour, with a view to obtaining professional assessment, appropriate interventions and assistance from competent service providers.

Section 2. Handling bullying incidents in schools, related venues and activities:

a. Immediate Responses

1. The victim or anyone who witnesses or has personal knowledge of a bullying incident or retaliation shall immediately call the attention of any school personnel.
2. The school personnel who was notified of a bullying incident or retaliation shall intervene, by:
 - i. Stopping the bullying or retaliation immediately.
 - ii. Separating the students involved.
 - iii. Removing the victim or, in appropriate cases, the bully or offending student, from the site;
 - iv. Ensuring the victim's safety, by:
 - Determining and addressing the victim's immediate safety needs; and
 - Ensuring medical attention, if needed, and securing a medical certificate, in cases of physical injury.
 - v. Bringing the bully to the Guidance Office or the designated school personnel.

b. Reporting the Bullying Incident or Retaliation

1. A victim or a bystander, or a school personnel who receives information of a bullying incident or retaliation, or any person, who witnesses or has personal knowledge of any incident of bullying or retaliation, shall report the same to the teacher, guidance coordinator or counsellor or any person designated to handle bullying incidents.
2. The bullying incident or retaliation shall be immediately reported to the school head.
3. The designated school personnel shall fill up the Intake Sheet provided in DepEd Order No. 40, s. 2012.
4. The school head or the designated school personnel shall inform the parents or guardian of the victim and the bully about the incident.
5. If the incident of bullying or retaliation involves students from more than one school, the school that was first informed of the bullying or retaliation shall promptly notify the appropriate administrator or school head of the other school so that both schools may take appropriate action.
6. Reports of incidents of bullying or retaliation initiated by persons who prefer anonymity shall be entertained, and the person who reported the incident shall be afforded protection from possible retaliation.
7. However, no disciplinary administrative action shall be taken against an alleged bully or offending student solely on the basis of an anonymous report and without any other evidence.

c. Fact-Finding, Documentation, Intervention and Referral

The school head or guidance counsellor/teacher or school personnel or school designate to handle bullying incidents shall:

1. Separately interview in private the bully or offending student and the victim.
2. Determine the levels of threats and develop intervention strategies. If the bullying incident or retaliation or the situation requires immediate attention or intervention, or the level of threat is high, appropriate action shall be taken by the school within twenty-four (24) hours from the time of the incident.
3. Inform the victim and the parents or guardian of the steps to be taken to prevent any further acts of bullying or retaliation; and
4. Make appropriate recommendations to the Child Protection Committee (CPC) on proper interventions, referrals and monitoring.
5. The CPC shall determine the appropriate intervention programs for the victim, the bully and bystanders. The school head shall ensure that these are provided to them.

6. The school head or the Child Protection Committee may refer the victims and the bully to trained professionals outside the school, such as social workers, guidance counsellors, psychologists or child protection specialists, for further assessment and appropriate intervention measures, as may be necessary.
7. The school head or the designated school personnel shall notify the Women and Children's Protection Desk (WCPD) of the Philippine National Police, if he believes that appropriate criminal charges may be pursued against the bully or offending student.

d. Disciplinary Measures

Bullying incidents or retaliation shall be treated according to their nature, gravity or severity and attendant circumstances.

1. The school head, considering the nature, gravity or severity, previous incidents of bullying or retaliation and attendant circumstances, may impose reasonable disciplinary measures on the bully or offending student that is proportionate to the act committed.
2. Written reprimand, community service, suspension, exclusion or expulsion, in accordance with existing rules and regulations of the DepEd may be imposed. Provided that the requirements of due process are complied with.
3. In all cases where a penalty is imposed on the bully or the offending student, the following minimum requirements of due process shall be complied with:
 - i. The student and the parents or guardians shall be informed of the complaint in writing.
 - ii. The student shall be given the opportunity to answer the complaint in writing, with the assistance of the parents or guardian.
 - iii. The decision of the school head shall be in writing, stating the facts and the reasons for the decision; and
 - iv. The decision of the school head may be appealed to the Division Office.

e. False Accusation of Bullying

If the student, after an investigation, is found to have knowingly made a false accusation of bullying, the said student shall be subjected to disciplinary actions or to appropriate interventions in accordance with the existing rules and regulations of the DepEd.

Section 3. Handling of Offenses **NOT** covered by D.O. 55, s. 2013 otherwise known as the Implementing Rules and Regulations (IRR) of RA No. 10627 or the Anti-Bullying Act of 2013, Committed by Children in Schools:

1. The alleged commission of the offense shall immediately be reported to school head in writing, if the person reporting the same is any teacher or school personnel. Should the person reporting the said transgression is not any teacher or school personnel, the report may be done verbally.
2. The school head shall perform the following:
 - a. Refer the report / complaint to the appropriate School Discipline Committee. (SDC)
 - i. The SDC shall conduct fact-finding investigation to determine whether or not the alleged student-offender has committed the purported offense.
 - ii. The SDC shall inform the alleged student-offender AND his parents or guardians of the complaint / reported infraction in writing. The alleged student-offender shall not be precluded to retain the services of an attorney, if he or his parents or guardians so desire.
 - iii. The alleged student-offender shall be given the opportunity to answer the complaint / reported infraction in writing, with the assistance of the parents or guardian. The SDC may afford the alleged student-offender liberal means to defend himself from the claimed infraction.
 - iv. The SDC shall, based on the evidence on record and pertinent principles of laws, jurisprudence and DepEd Orders, submit to the Office of the School Head a Fact-Finding Investigation Report, which may be the basis of the dismissal of the complaint / reported infraction or the imposition of proportional penalties against the student – offender.
 - b. Refer the alleged student-offender to appropriate entities for counselling, intervention or appropriate handling of the student-offender while herein process is in progress or after the student-offender has been found to have committed the offense or he has adjudged faultless of the acts charged against him.
 - c. Render a decision in writing, stating the facts and the reasons for the decision which may result to the following:
 - i. Dismissal of the Complaint / Reported Offense against the student.
 - ii. Finding that the student-offender has committed the acts complained of / reported and imposing proportional penalties thereof.
3. Considering the nature, gravity or severity, previous incidents the following penalties may be imposed by the school head against the student-offender, subject to related DepEd Orders:
 - a. Written reprimand.
 - b. Suspension not exceeding three (3) days.

- c. Suspension exceeding three (3) days but not more than one (1) year, subject to the approval from the Office of the Schools Division Superintendent.
- d. Suspension exceeding one (1) year, subject to the approval of the Secretary of the Department of Education.
- e. Expulsion, subject to the approval of the Secretary of the Department of Education.

Section 4. Procedure in the Management of Children at Risk

A. Children at Risk Committing Criminal Offense

1. Reporting and Gathering of Information

Reporting of children at risk of committing criminal offenses because of personal, family and social circumstances shall be the responsibility of any school personnel, teaching and non-teaching, or any member of the community who has the knowledge thereof.

He or she shall immediately refer the information to the guidance counsellor or guidance teacher.

Upon receipt of such information, the guidance counsellor or teacher shall gather relevant information about the child, including his/her family background for validation purposes.

2. Profiling and Initial Risk Assessment

Based on the relevant information gathered, the guidance counsellor or guidance teacher shall assess the child at risk using the Profiling and Initial Assessment Tools for Children at Risk.

3. Development of Intervention Plan

Based on the data gathered and risk assessment conducted, the guidance counsellor or guidance teacher shall:

- a. Inform the school head/principal about the CAR.
- b. Call the parent or guardian for a case conference.
- c. Draft an appropriate intervention plan consented to by the CAR, his/her parent/guardian, including therein the indicators of success or improvement.
- d. Report to the school head/principal the agreed intervention plan; and
- e. When necessary, the CPC shall provide support as provided in DO No. 40, s. 2012.

4. Implementation

The school head/principal shall ensure that the intervention plan made during the case conference shall be implemented.

5. Monitoring

The guidance counsellor or guidance teacher shall monitor the implementation of the intervention plan and the progress of the CAR based on the agreed indicator of improvement or success as a result of the intervention plan.

The guidance counsellor or guidance teacher shall also submit a written report to the SDO, through the school head / principal.

6. Termination

The intervention for the CAR shall only be terminated by the school head/principal upon recommendation of the guidance teacher.

In all stages of the process, the school head/principal shall be duly informed of the cases and actions taken involving the CAR.

B. Children at Risk with Status Offense Violation

When a CAR has violated local ordinances concerning juvenile status offenses under Section 57-A of RA No. 9344, as amended, such as but not limited to, curfew violations, truancy, parental disobedience, anti-smoking and anti-drinking laws or has committed light offenses and misdemeanours against public order or safety such as but not limited to, disorderly conduct, public scandal, harassment, drunkenness, public intoxication, criminal nuisance, vandalism, gambling, mendicancy, littering, public urination, and trespassing, the child shall be subjected to the following:

1. Intervention programs, such as counselling, attendance in group activities for CAR, and for the parents, attendance in parenting education seminars; and
2. Restorative justice procedure shall be conducted by the CPC acting as a Restorative Justice Panel (RJP) as follows:
 - a. Anybody who witnesses or has direct knowledge of the incident will report to the guidance counsellor or guidance teacher or to a member of the CPC.
 - b. When appropriate and after consent is given by the victim, the offender and their respective parents, a Restorative Justice Panel shall be convened with the member of the BCPC or the LSWD.
 - c. Family Group Conferencing (FGC) shall be conducted by the RJP to come up with an agreement using the form provided in D.O. 18, s. 2015. This is to repair the harm done by the CAR to his/her victim and to the community and when appropriate, to include the intervention plan for the offender and the victim; and
 - d. The RJP and a member of the BCPC or the LSWDO will monitor the implementation of the agreement and the intervention plan.

Section 5. Procedure in Managing Children in Conflict with the Law (CICL)

A. Offenses Committed in School

1. When a pupil/student commits a serious offense punishable under special laws such as Section 20-A of RA No. 9344, as amended, or under the Revised Penal Code, the school head/principal with the assistance of the guidance counsellor or guidance teacher shall report the case immediately to the law enforcement officer and refer the case using the CICL Intake Form to the LSWDO for appropriate action.

However, before the referral, the following procedures shall be strictly observed:

- a. Properly identify oneself and present proper identification to the child.
 - b. Immediately notify the child's parents or guardians, and the LSWDO about the incident.
 - c. Explain to the child, in simple language and in a language or dialect the child can understand, the reason for the report, and the referral to the proper authorities.
 - d. Accomplish CICL Intake Form in triplicate copies; and
 - e. The notification and transfer of the physical custody of the child to the parents and LSWDO shall be made immediately.
- B. Children above 12 years of age up to 15 years of age who are exempt from criminal responsibility and who commit a serious crime provided under Sec. 20-A of RA No. 9344, as amended, shall be deemed a "neglected child" under P.D. 603, as amended and shall be mandatorily placed in a special facility with the youth care facility or Bahay Pag-asa called the Intensive Juvenile Intervention and Support Center (IJISC)

Serious crimes under Section 20-A of RA No. 9344, as amended, are limited to the following:

- a. Parricide
 - b. Murder
 - c. Infanticide
 - d. Kidnapping and serious illegal detention where the victim is killed or raped
 - e. Robbery with homicide or rape
 - f. Destructive arson
 - g. Rape
 - h. Carnapping where the driver or occupant is killed or raped; and
 - i. Offenses under the Comprehensive Dangerous Drugs Act of 2002 punishable by more than twelve years of imprisonment.
- C. Immediate referral to the LSWDO of the LGU where the offense was committed or to a DSWD social worker, the absence of the LSWDO, shall be made by the school head / principal for cases of children above 12 years up to 15 years of age who have committed:
1. Serious crimes under Section 20-A of RA 9344, as amended.

2. Reported for repetition of offenses under section 20-B of RA 9344, as amended.
3. Found to be abandoned, neglected or abused by his/her parents under of RA 9344, as amended.
- D. When the pupil / student who are 15 years of age and below and the offense committed does not fall under Sec. 20, Sec. 20-A and Sec. 20-B of RA 9344, as amended, the Restorative Justice Procedure herein-mentioned shall be applied.
- E. When an incident involves an offense under the Comprehensive Dangerous Drugs Act of 2002 (9165), teachers or school employees or anybody who discovers or finds that any person in the school or within its immediate vicinity has violated any provision under RA 9165, shall report the incident to the school head or principal or immediate superior, who shall in turn, report the matter to the proper authorities.
- F. The guidelines handling CAR and CICL shall not cover students who are 18 years of age and above unless documents are submitted showing that they are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical/mental disability or condition.
- G. If a CICL has been placed under a diversion program pursuant to RA 9344, as amended and the diversion plan includes an education component, the BCPC or LCPC with the LSWDO and/or the Division Guidance Supervisor shall endorse the child and the diversion plan to the school.

Upon receipt of the diversion plan, the school head/principal, guidance counsellor or guidance teacher and teacher-adviser shall hold a meeting with the parents of the CICL to discuss how the diversion plan shall be implemented.

The principal shall ensure that the responsibilities of the school under the plan are complied with.

A report on the implementation of the diversion plan shall be submitted by the school head/principal to the BCPC or LCPC, LSWDO and the SDO through the Division Supervisor for guidance and counselling. Confidentiality shall be observed in handling reports to avoid labelling and discrimination of the CICL in the Process.

Moreover, it is the duty of all concerned school personnel and all those who will come in contact with the CICL in the school to ensure that his/her rights are always upheld during the implementation of the intervention plan.

- H. CICL have the right to education even while in detention. Education related interventions shall be provided to the CICL in accordance with Sec. 14 of DO 55, s. 2015. The MDT shall supervise the education of CICL in Bahay Pag-asa and other youth homes and rehabilitation centers. The institutional arrangement between the Bahay Pag-Asa and the school shall be agreed upon by the MDT and the school.

- I. CICL have continued right to education and may return to school through regular enrolment or through ALS after periods of confinement. The Schools Division Supervisor for guidance and counselling, as a member of MDT, shall facilitate the return of the former CICL to formal school or enrolment in ALS or other alternative learning schemes if he or she so wishes.

ARTICLE VII

CONCLUDING PROVISIONS

Section 1. Reparability clause - If for any reason any section or provision of this Act, or any portion thereof, or the application of such section, provision or portion thereof to any person, group or circumstance is declared invalid or unconstitutional, the remainder of this Act shall not be affected by such declaration and shall remain in force and effect.

Section 2. Repealing Clause - All other Child Protection and Anti-Bullying Policies and Codes of Conduct for Learners promulgated by duly authorized entities and officials of Jolencio R. Alberca Elementary School are hereby repealed or modified accordingly.

Section 3. Effectively - The provisions of this document shall take effect after fifteen (15) days upon posting the same in at least three (3) conspicuous places within the premises of Jolencio R. Alberca Elementary School.

ARTICLE VIII

CLOSING STATEMENT

"There can be no keener revelation of a society's soul than the way in which it treats its children."

— Nelson Mandela