



Republic of the Philippines
CITY COUNCIL
City of Manila

REGULAR SESSION NO. 173

9TH CITY COUNCIL

Begun and held in the City Council on Tuesday,
the third day of September, Two Thousand Thirteen

ORDINANCE NO. 8424

AN ORDINANCE PREVENTING ACTS OF BULLYING COMMITTED
AMONG STUDENTS IN THE CITY OF MANILA

PRINCIPAL AUTHORS: HON. CASIMIRO C. SISON, HON. ERNESTO M. DIONISIO, JR., Acting Majority Floor Leader, Hon. Cristina A. Isip, Hon. Jocelyn J. Quintos, Hon. Science A. Reyes, Hon. Numero G. Lim, Hon. Ma. Asuncion G. Fugoso, Hon. Leilani Marie H. Lacuna, Hon. Joey S. Hizon III, Hon. John Marvin "Yul Servo" Nieto, Hon. Salvador H. Lacuna, Hon. Joel M. Par, Hon. Don Juan "DJ" Bagatsing, Hon. Erick Ian O. Nieva, Hon. Niño M. dela Cruz, Hon. Priscilla Marie T. Abante, Hon. Roberto R. Ortega, Jr., Hon. Rolando M. Valeriano, Hon. Elizabeth Z. Rivera, HON. MARLON M. LACSON, Majority Floor Leader and HON. EDWARD V.P. MACEDA, President Pro-Tempore and Acting Presiding Officer
CO-AUTHORS: Hon. Dennis B. Alcoreza, Hon. Arnold I. Atienza, Hon. Joel R. Chua, Hon. Ernesto C. Isip, Jr., Hon. Rodolfo N. Lacsamana, Hon. Josefina M. Siscar, Hon. Raymundo R. Yupangco and Hon. Manuel M. Zarcal

PREAMBLE

WHEREAS, Section 3 (2), Article XV of the 1987 Philippine Constitution mandates the State to defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development,

WHEREAS, the General Welfare Clause of the Local Government Code under Section 16 states that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare,

WHEREAS, schools, as institutions for educating Filipino children, should establish a child-friendly environment and create a school setting that is conducive to learning,

WHEREAS, bullying committed in schools not only inflicts physical, psychological and emotional harm to students but also creates fear among them that adversely affect their academic development and social personality,

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

Be it ordained by the City Council of Manila, in session assembled, *THAT*

SECTION 1. Title. – This Ordinance shall be known as the “Anti-Bullying Ordinance of the City of Manila”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the City of Manila to provide measure to ensure the safety and security of children within and outside school premises

SEC. 3. Definition of Terms -

- a **Student** - an individual enrolled/registered in a public or private educational institution for formal or non-formal education.
- b **School Personnel** – persons working for an educational institution which are classified into the following
 - b 1 **Administrators** – persons occupying policy-implementing positions relative to the functions of the school in all levels including those who exercise discretion in providing disciplinary sanctions
 - b 2 **Academic Teaching Staff** – persons engaged in classroom teaching in any level of instruction, on full time or part-time basis, including guidance counselors and industrial arts or vocational instructors

- b.3. **Academic Non-teaching Staff** – persons having some academic qualifications and performing supplemental academic functions such as librarians, registrants, and similar staff.
- b.4. **Non-Teaching Personnel** – all other personnel, regular or casual, not included in the above-classification.
- c. **Authorized School Activity** – refers to any activity sanctioned and permitted by the school head and/or school administrator.
- d. **Bullying** – refers to unwanted, aggressive behavior that involves real or perceived power imbalance. The behavior is repeated or has the potential to be repeated.
- e. **Bully** – refers to a student or school personnel who uses superior strength or influence to intimidate a student who is younger, weaker, with disability, less confident or otherwise vulnerable.

SEC. 4. Acts of Bullying -

4.1. Act of bullying is committed by a student or school personnel who, by means of verbal, written, or electronic expression, or by use of physical act or gesture, causes psychological and/or emotional fear, intimidation or humiliation to any student, or, creates a hostile school environment for student. Act of bullying may be in the form of:

- a. **Physical Bullying** – any unwanted, hurtful and sudden physical contact between the bully and the victim like punching, pushing, kicking, mauling, school pranks, and using of 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 psychological being like spreading malicious and nasty rumors about the victim, threatening to inflict a wrong upon the person of the victim or on his family, excluding the victim from a group, extorting money, food, gadgets or anything of value from the victim, compelling the victim render personal services, stalking or constantly following the student or his daily activities.
- c. **Emotional Bullying** – any act that causes undue emotional stress to the student such as name-calling, ignoring the victim on purpose, embarrassing the victim on account of his religion, physical appearance and financial status and other similar acts.
- d. **Sexual Bullying** – touching any private part such as legs, breast, buttocks, or genitals of a student to cause upon him/her embarrassment, annoyance, irritation, or torment of the mind, which results in an intimidating, hostile or offensive environment for the victim.
- e. **Cyber Bullying** – any act that causes humiliation, harassment, or intimidation to the student through electronic devices, such as, but not limited to text messages, electronic mails, social networking, internet blogs.

SEC. 5. Penalties. – Any student aged eighteen (18) years or above who commits any act of bullying shall, in addition to the penalty that maybe imposed upon him by his respective school, be penalized with one (1) month to six months imprisonment, or fined in the amount of One Thousand Pesos (PhP 1,000.00) to Three Thousand Pesos (PhP 3,000.00), or both at the discretion of the court

If other offender is under eighteen (18) years old, he shall be dealt with in accordance with the provisions of R.A. 9344 and its Implementing Rules and Regulations

Any school personnel who commits any act of bullying, or induce or instigate a student to commit the same, shall, in addition to civil and administrative liabilities, be criminally liable under this Ordinance and meet the penalty of six (6) months to one (1) year imprisonment, or a fine ranging from Three Thousand Pesos (PhP 3,000.00) to Five Thousand Pesos (PhP. 5,000.00), or both at the discretion of the court.

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

Special parental authority shall apply to all authorized activities, whether inside or outside the premises of the school, entity, or institution.

SEC. 6. Civil Liability for Acts of Bullying. – The civil liability of those given the authority and responsibility under the preceding Section shall be in accordance with Article 219 of the Family Code of the Philippines.

SEC. 7. Creation of School Anti-Bullying Committee – All public and private elementary, secondary, and tertiary schools within the territorial jurisdiction of the City of Manila shall create and convene an Anti-Bullying Committee that will formulate and adopt policies to address the bullying incidents in their respective institutions. Said Committee shall be composed of:

1. Schools Head/School Administrator/Principal, as Chairperson;
2. Guidance Counselor, as Member;
3. President of the Supreme Student Government of Central Student Council, as Member;
4. President of the faculty club or his authorized representative, as Member; and
5. In case of public and private elementary and secondary schools, President of the General Parents-Teachers Association (GPTA), as Member.

The policies to be formulated and adopted by the Anti-bullying committee shall include the following provisions:

- a. Provision identifying the range of administrative disciplinary actions that may be taken against the perpetrator.
- b. Provision establishing clear procedure or strategy in providing counseling or intervention or referral to appropriate government agencies for both victim and bully.

- c. Provision for information-dissemination of anti-bullying policies to parents and guardians and such other means that will educate the parents and guardians on how to reinforce said policies at home and to provide on-line safety to their children or wards.

The anti-bullying policies being adopted by the school shall be included in the school's student and/or employee's handbook and copies thereof shall be provided to students, parents or guardians, and school personnel.

SEC. 8. Procedure in Handling Bullying Cases in Schools. – A bullying incident or any complaint therefor, shall, in case of public elementary and secondary schools, be acted upon in accordance with DepEd Order No. 40, s. 2012 otherwise known as the Department of Education's Child Protection Policy.

Subject to the requirements of due process, a bullying incident or any complaint therefor shall be acted upon by private elementary and secondary schools, and public and private colleges and universities, in accordance with the school's students' code of discipline and/or rules of procedure on administrative cases.

SEC. 9. Bullying Incident involving students of different schools. – Where a bullying incident involves students of different schools, the school that first took cognizance of the complaint shall have jurisdiction to investigate the same in accordance with the procedure laid down in the preceding section.

SEC. 10. Bullying that results in any crime defined and penalized by the Revised Penal Code. – In cases where bullying result into a crime punishable by the Revised Penal Code, the child-bully shall be dealt with in accordance with the provisions of the Republic Act 9344 and its Implementing Rules and Regulations.

SEC. 11. Imposition of penalty to child-bully and confidentiality thereof. - Any penalty imposed by a school to the child-bully must be in writing and must be indicated or attached in child's anecdotal record. The Guidance Counselor shall be the custodian of said anecdotal record and shall keep the same confidential.

SEC. 12. Implementation of Anti-Bullying Policies. – The School Head or School Administrator shall be responsible for the implementation and oversight of policies intended to address bullying.

SEC. 13. Separability Clause. – Any part or provision of this Ordinance which may be held invalid or unconstitutional shall not affect the validity and effectivity of the other provisions.

SEC. 14. Repealing Clause. – All existing ordinances, resolutions, local executive orders, rules and regulations inconsistent with any of the provisions of this ordinance are hereby repealed and/or modified accordingly.

SEC. 15. Effectivity – This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

This Ordinance was finally enacted by the City Council of Manila on September 24, 2015.

PRESIDED BY:



EDWARD V.P. MACEDA
President Pro-Tempore and
Acting Presiding Officer
City Council, Manila

ATTESTED:



LUCH R. GEMPIS, JR.

City Government Department Head III
(Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON 12 October 2015.



JOSEPH EJERCITO ESTRADA

Mayor
City of Manila

ATTESTED:



EDWARD S. SERAPIO

City Government Department Head III
(Secretary to the Mayor)

EZB:mff/jvl/vmf