

Ms. Checha



Republic of the Philippines
Department of Education
REGION III
SCHOOLS DIVISION OFFICE OF PAMPANGA


July 2, 2024

DIVISION MEMORANDUM
No. 391, s. 2024

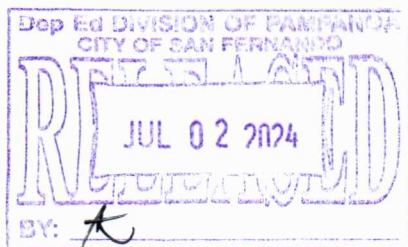
**IMPLEMENTING GUIDELINES ON THE PROPER HANDLING OF LEARNER RIGHTS
AND PROTECTION INCIDENTS, CASES AND ALLEGED LEARNER RIGHTS
VIOLATIONS IN SCHOOLS**

To: Assistant Schools Division Superintendents
Chief Education Supervisors
Education Program Supervisors
Public Schools District Supervisors
Public and Private Elementary and Secondary School Heads
All Others Concerned

1. For the information, guidance, and compliance of all concerned, enclosed is the Regional Memorandum No. 466, s.2024 titled "Implementation Guidelines on the Proper Handling of Learner Rights and Protection Incidents, Cases and Alleged Learner Rights Violations in Schools."
2. These guidelines are issued to properly direct/guide both public and private elementary and secondary schools in handling Learner Rights and Protection-related incidents, cases and violations.
3. Wide immediate dissemination and strict compliance with this Memorandum is earnestly desired.


ROMEO M. ALIP, PhD, CESO V
Schools Division Superintendent

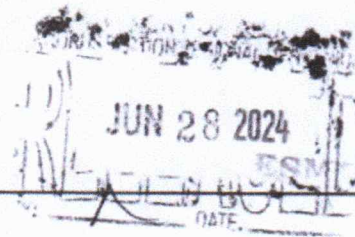
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REGIONAL MEMORANDUM

No. 466 __, s. 2024

IMPLEMENTATION GUIDELINES ON THE PROPER HANDLING OF LEARNER RIGHTS AND PROTECTION INCIDENTS, CASES AND ALLEGED LEARNER RIGHTS VIOLATIONS IN SCHOOLS

To : Schools Division Superintendents
Division Learner Rights and Protection Coordinators
Public and Private Secondary and Elementary School Heads
All Others Concerned

1. Pursuant to the 1987 Philippine Constitution, the State shall defend the right of all 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 holistic development.

2. In line with the MATATAG agenda: **T**Aking good care of learners by promoting learner well-being, inclusive education, and a positive learning environment, the Department of Education (DepEd) Regional Office III aims that all learners are protected from all forms of violence, exploitation, discrimination, bullying, and other abuses in schools where their right to quality and inclusive education are respected, protected, promoted, and fulfilled.

3. Guided by the MATATAG Framework, the Department of Education (DepEd) Regional Office III issues this Implementation Guidelines on the Proper Handling of Learner Rights and Protection Incidents, Cases and Alleged Learner Rights Violations in Schools which shall serve as a guide to all concerned personnel. The guidelines highlight their roles and responsibilities from reporting or referral of all forms of learner abuse, neglect, cruelty, exploitation and discrimination until its resolution to ensure that learner victims are dealt with in a most- learner sensitive and appropriate manner.

4. For immediate dissemination.

MAY B. ECLAR, PhD, CESO III
Regional Director

Encl.: Referral Form, Incident Report & Intervention Plan
References: Indicated in the guidelines
To be indicated in the Perpetual Index under the following subjects:

PROPER HANDLING
LRP INCIDENTS & CASES

ESSD1/spp1
June 10, 2024

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IMPLEMENTATION GUIDELINES ON THE PROPER HANDLING OF LEARNER RIGHTS AND PROTECTION INCIDENTS, CASES AND ALLEGED LEARNER RIGHTS VIOLATIONS IN SCHOOLS

I. RATIONALE

The 1987 Philippine Constitution, and other domestic and international laws specifically the United Nations Convention on the Rights of the Child, guarantee a range of learner rights to promote their overall well-being. Among the rights of the learners in basic education are the right to education, right against discrimination, right to health, right to participation and to have one's views heard, right to religion, right to rest and play, and right to protection against all forms of violence, abuse, neglect, cruelty, exploitation, and maltreatment. Thus, the welfare of learners is given utmost priority, always ensuring the promotion of their sense of dignity and worth in every situation.

Incidents of abuse and violence involving learners in schools include psychological abuse, physical abuse, verbal abuse, sexual abuse, online sexual exploitation, economic exploitation cyberbullying and bullying and other forms of abuse or acts. While procedures on case management are already in place, the guidelines on proper handling of learner rights and protection incidents in schools are yet to be established. Hence, there is a need for a standard case management system on reporting and referring learner rights and protection incidents to provide a clear delineation of tasks among duty bearers, allowing them to immediately respond to cases of abuse, cruelty, bullying, discrimination and exploitation in schools.

The Learner Rights and Protection Office (LRPO) is mandated as the lead office of the Department in formulating policies, planning, implementing, coordinating and monitoring projects, programs and activities concerning all matters pertaining to the rights of the learners in basic education.

The Department of Education (DepEd) Regional Office III, as a duty bearer, aims to protect the best interest of the learners by making it a paramount consideration in all its programs, projects, activities, actions and decisions concerning the welfare of learners. Moreso, DepEd Regional Office III recognizes the rights of all learners and takes proactive measures to provide special protection to the rights of the learners and secure their rights to basic education.

II. SCOPE

These guidelines shall provide mechanisms and protocols in proper handling of learner rights and protection incidents, cases and alleged learner rights violations in schools and/or outside schools which involved both public and private learners in



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basic education. These guidelines aim to ensure the protection of the rights of the learner who is a victim of abuse, neglect, cruelty and discrimination and exploitation.

III. DEFINITION OF TERMS

The following are the definition of various terms used in these guidelines:

Abuse refers to the maltreatment of a child whether habitual or not which includes any of the following.

- Psychological or physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
- Any act of deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as human being;
- Unreasonable deprivation of the child's basic needs for survival such as food and shelter; and
- 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 (Sec. 3 (b), RA 7610).

Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) refers to any representation whether offline, or by, through or with the use of ICT, by means of visual, video, audio, written, or any combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated sexual activities, or depicting acts of sexual abuse or exploitation of a child as a sexual object. It shall also include materials that focus on the genitalia or other private body parts of a child.

Case Management is a procedure to plan, seek, and monitor services from different social agencies and staff on behalf of a learner victim.

Child refers to any person below eighteen (18) years of age or may be eighteen or older who are still in basic education and unable to fully take care of themselves or protect themselves from abuse, neglect and cruelty, exploitation and discrimination because of a physical and mental disability and condition.

Child Protection refers to programs, services, procedures and structures that are intended to prevent and respond to abuse, neglect, exploitation, discrimination and violence.

Children-At-Risk refers to children who are vulnerable to and at risk of behaving in a way that can harm themselves 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.



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Child in conflict with the law or "CICL" refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.

Intervention refers to the approaches or systematic social protection programs for learners that are designed and intended to promote physical and social well-being of the learners.

Online sexual abuse or exploitation of children (OSAEC) refers to the use of ICT as a means to abuse and/or exploit children sexually, which includes cases in which offline child abuse and/or exploitation is combined with an online component. This can also include, but is not limited to, the production, dissemination and possession of CSAEM; online grooming of children for sexual purposes; sexual extortion of children, sharing image-based sexual abuse; commercial sexual exploitation of children; exploitation of children through online prostitution; and live-streaming of sexual abuse, with or without the consent of the victim.

Referral refers to the endorsement of the victim for appropriate assistance and intervention.

IV. CASE MANAGEMENT SYSTEM ON REPORTING AND REFERRING LEARNER RIGHTS AND PROTECTION INCIDENTS, CASES AND ALLEGED LEARNER RIGHTS VIOLATIONS

Case management is a procedure to plan, seek, and monitor services from different social agencies and staff on behalf of a learner-victim. Thus, the case managers—the Child Protection Committees in schools are responsible for ensuring that all allegations of abuse, incidents or referrals are dealt with fairly, equitably and within appropriate actions for the welfare of the learner-victim.

The Flowchart on Case Management System on Reporting and Referring Learner Rights and Protection Incidents, Cases and Alleged Learner Rights Violations (Annex A, B, C, D and E) illustrates the different stages of action. The case management system shows the different stages and the different partner agencies who can either work independently or in coordination with the schools and the DepEd. The case management system also provides the guidelines to be observed when assisting a learner who is a victim of child abuse, neglect, or exploitation, violence and other forms of abuse.

Process Flow in Handling Learner Rights and Protection (LRP) Incidents and Cases

The Regional, Division and School Learner Rights and Protection Focal Persons, in coordination with partner non-government associations, non-government organizations and national government agencies, when necessary, shall lead in addressing alleged learner rights violations in schools and/ or outside schools which



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involved learners in basic education. In any incident or case involving learner, the best interest of the learner must always be observed and exercise the utmost confidentiality in handling or reporting cases involving a child.

Regional Office

- a. The Education Support Service Division (ESSD), through the Regional Learner Rights Protection Focal Person, shall receive and act on reports of alleged LRP complaints/concerns.
- b. The Regional LRP Focal Person shall evaluate the report and determine the nature of alleged learner rights violation.

b.1 LRP concerns are those covered by the following DepEd issuances:

DepEd Order No. 40, s. 2012 or the DepEd Child Protection Policy; DepEd Order No. 55, s. 2013 or the Implementing Rules and Regulations of Republic Act No. 10627 Otherwise Known as The Anti-Bullying Act of 2013; DepEd Order No. 18, s. 2015 or the DepEd Guidelines and Procedures on the Management of Children-at-Risk (CAR) and Children in Conflict with the Law (CICL); DepEd Order No. 57, s. 2017 or the Policy on the Protection of Children in Armed Conflict; DepEd Order No. 32, s. 2019 or the National Policy Framework on Learners and Schools as Zones of Peace (LSZOP).

b.1 Non-LRP concern refer to those reports that involve issues not indicated or related to the above stated Department Orders.

- c. All learner rights and protection reports shall be endorsed to the concerned SDOs, for their appropriate action. The concerned SDO shall submit a detailed incident report and intervention plan on the alleged LRP incident.
- d. On the other hand, non-LRP concerns shall be forwarded to the Public Affairs Unit (PAU), through the Regional Public Affairs Center (RPAC), for their appropriate action. The said LRP concerns shall be acted upon by the said office following their procedures on handling public affairs matters.
- e. Upon evaluation and determination by the Regional Learner Rights Protection Focal Person that an incident may constitute an administrative offense committed by a teaching or non-teaching personnel of the Department, the same shall be forwarded to the Legal Unit for the conduct of the necessary investigation. The Legal Unit shall be provided with the following details for the proper conduct of investigation:





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Content of Complaint (following Section 5, DepEd Order No. 49, series of 2006 or the Revised Rules of Procedure of the Department of Education in Administrative Cases)

A complaint shall contain the following:

- i. Full name and address of the complainant
 - ii. Full name and address of the person complained as well as his position and office in the Department of Education
 - iii. A narration of the relevant and material facts which should show the acts or omissions as allegedly committed by the person
 - iv. Certified true copies of documentary evidence and affidavits of his witnesses if any; and
 - v. Certification or statement on non-forum shopping
- f. All received LRP incident reports and intervention plans concerning learner's rights shall be endorsed to Central Office-LRPO as the central repository of learner rights case and incidents.
- g. The Regional LRP Focal Person shall submit the summary of LRP cases and status of the case to the Office of Regional Director in a quarterly basis.

Division Office

- a. The Schools Division Office, through the Division Learner Rights and Protection Focal Person, shall receive and act on all complaints and concerns on learner right violations, all forms of abuse, cruelty, cyberbullying, bullying, CAR, CICL, OSAEC, CSAEM, discrimination and exploitation. Further, shall lead the fact-finding committee to verify the authenticity and veracity of the reported LRP case.
- b. The Division Office may assist the schools to tap the Registered Guidance Counselors (RGCs) to craft intervention plan for the learner-victim and the learner-perpetrator and shall monitor the status and progress of the intervention plan.
- c. The Division Office shall submit the consolidated reports of Learner Rights and Protection incidents and cases to the Regional Office every third week of the last month of the quarter; however, sensational incidents shall be reported



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to the Regional Office within twenty-four (24) hours upon receipt of the information or report of alleged learner rights violation.

School Level

- a. The School Head, as the Chairperson of the Child Protection Committee indicated in DepEd Order No. 40, s. 2012, shall lead in addressing incidents of alleged learner rights violations such as abuse, cyberbullying, bullying, CAR, CICL and other similar incidents.
- b. The School Head or the School Designated LRP Focal Person shall monitor the progress of the intervention plan extended to the learner-victim and learner-perpetrator until its termination.

Note: If a School has a Registered Guidance Counselor (RGC). By the discretion of the Chairperson of CPC, he/she may be designated as School LRP Focal person however, a school without RGC, the designated Teacher Guidance and Advocacy (DO No.005 s, 2024) by the discretion of the Chairperson of CPC, he/she may be designated as School LRP Focal person.

- c. The School Head shall refer sensational or viral online LRP case/s to the Division Office within twenty-four (24) hours from receipt of report or information of alleged learner rights violation. The School Head shall also assist in reporting the incident to appropriate government agency for assistance, support and appropriate action.
- d. The School Head shall submit the consolidated reports of Learner Rights and Protection incidents and cases including incident reports and intervention plans to the School Division Office every second week of the last month of the quarter. The sensational LRP cases or incidents shall be reported to the Division Office within the prescribed period stated in the preceding provision.

V. DUTIES AND RESPONSIBILITIES

Regional Office shall:

Lead the conduct of the region-wide orientation and information dissemination on the implementation of these guidelines.

Monitor the implementation of these guidelines.

Establish feedback mechanism after the conduct of monitoring and validation of implementation of the guidelines as a basis of providing technical assistance/guidance to the SDOs and Schools LRP focal persons.



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Division Office shall:

Lead the conduct of the division-wide orientation and information dissemination on the implementation of these guidelines.

Provide guidance and assistance to schools on the implementation of these guidelines.

Report the status of the implementation of these guidelines during the LRP program implementation review.

School Level shall:

Through the School Head, implement these guidelines.

Submit a report to the Division Office on the school level orientation and implementation of these guidelines.

The School Head, with the assistance of the Vice Chairperson of Child Protection Committee, shall report the incident of sexual abuse, physical abuse, domestic violence, OSAEC, CSAEM and other related abuse against the learners to the partner agencies such as PNP Women and Child Protection Desk (PNP-WCPD) and referred to the Municipal/City Provincial Social Welfare Development Office (MSWDO, CSWDO, PSWDO) for assistance and custody.

VI. MONITORING AND EVALUATION

The Learner Rights and Protection Focal Person in the Regional Office and Division Office shall lead and supervise the monitoring of school's compliance with these guidelines.

At the school level, the School Head, as the chairperson of Child Protection Committee, shall lead the implementation of these guidelines.

The Schools Division Offices through the Division Learner Rights and Protection are requested to conduct orientation to ensure the implementation of these guidelines.

Private Schools shall be accountable in establishing their respective Child Protection Committees (CPCs), formulating policy on handling all forms of learner abuse, violence, cruelty, cyberbullying, bullying, CAR, CICL, OSAEC, CSAEM, discrimination and exploitation and reporting and procedure for handling and management of cases consistent with policies and guidelines of the Department Education pertaining to the protection of learner rights.

VII. REFERENCES



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1987 Philippine Constitution

United Nations Convention on the Rights of the Child (UNCRC)

Republic Act No. 11930 "Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act."

Memorandum OM-OUOPS-2024-05-01115 "Guidelines on the Implementation of Safe Spaces Act in Basic Education"

Memorandum OUOPS-2024-05-01167 "Guidelines and Protocols on the Handling of Children in Situation of Armed Conflict (CSAC) Learners in the Department of Education"

DepEd Order No. 003, series of 2021 "Creation of the Child Protection Unit and the Child Rights in Education Desk in the Department of Education"

DepEd Order No. 18, series of 2015 "DepEd Guidelines and Procedures on the Management of Children-At-Risk (CAR) and Children in Conflict with the Law (CICL)"

DepEd Order No. 55, series of 2013 "Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 10627 Otherwise known as the Anti-bullying Act of 2013"

DepEd Order No. 40, series of 2012 "DepEd Child Protection Policy"

DepEd Order No. 49, series of 2006 "Revised Rules and Procedure of Department of Education in Administrative Cases"



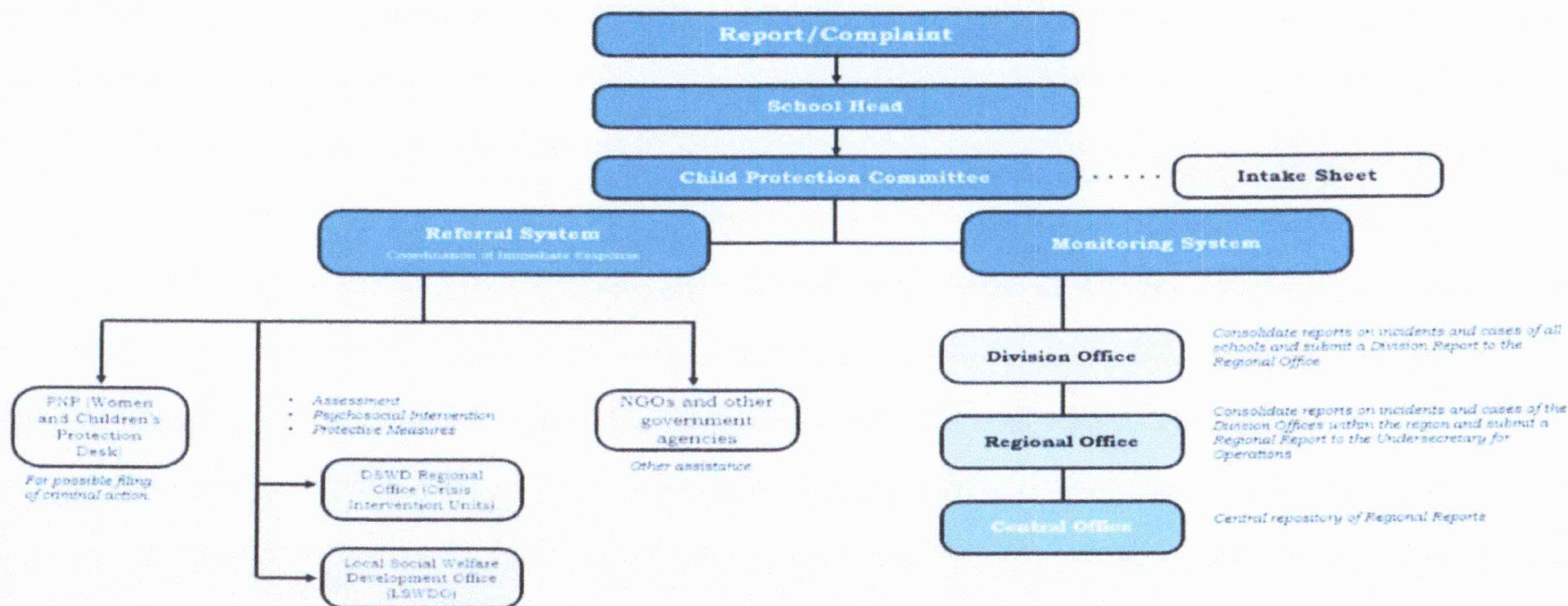
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Annex A

DEPED RO III LEARNER PROTECTION POLICY REFERRAL AND MONITORING SYSTEM



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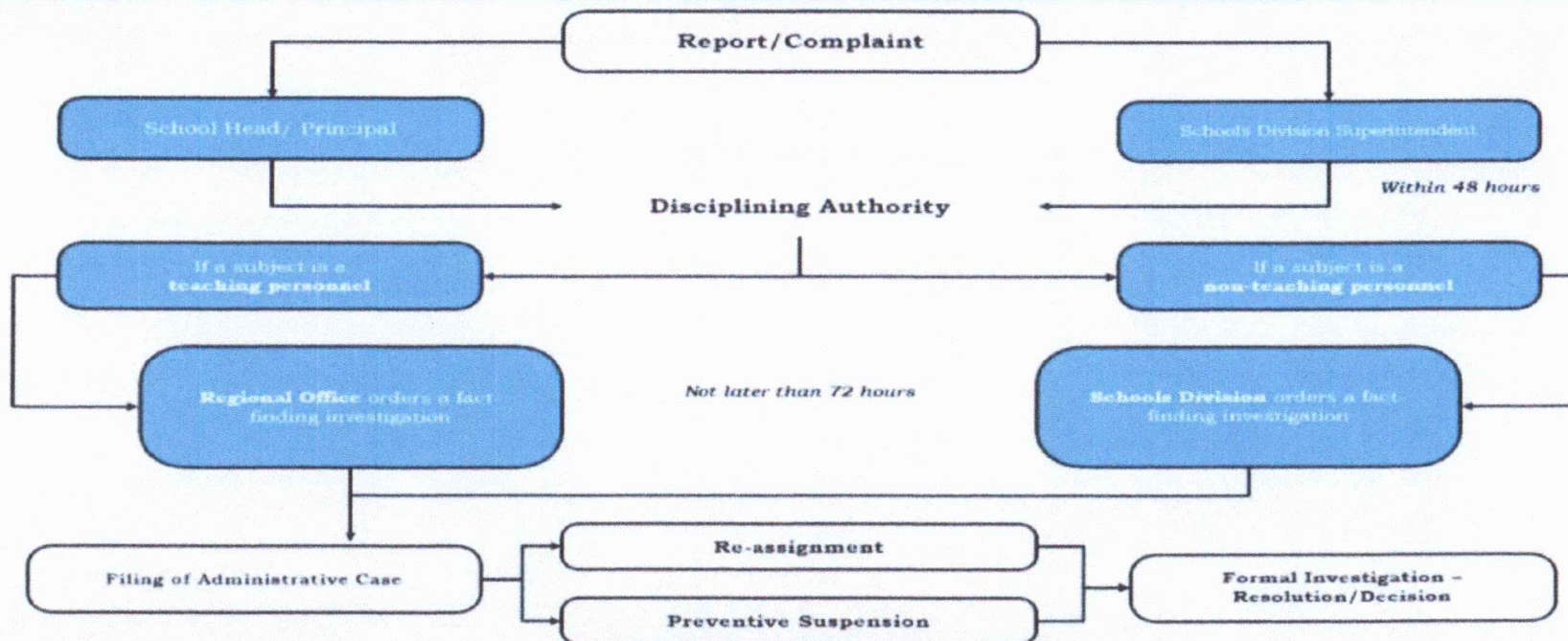




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Annex B

DEPED RO III PROCEDURES FOR CASE OF CHILD ABUSE COMMITTED BY DEPED PERSONNEL



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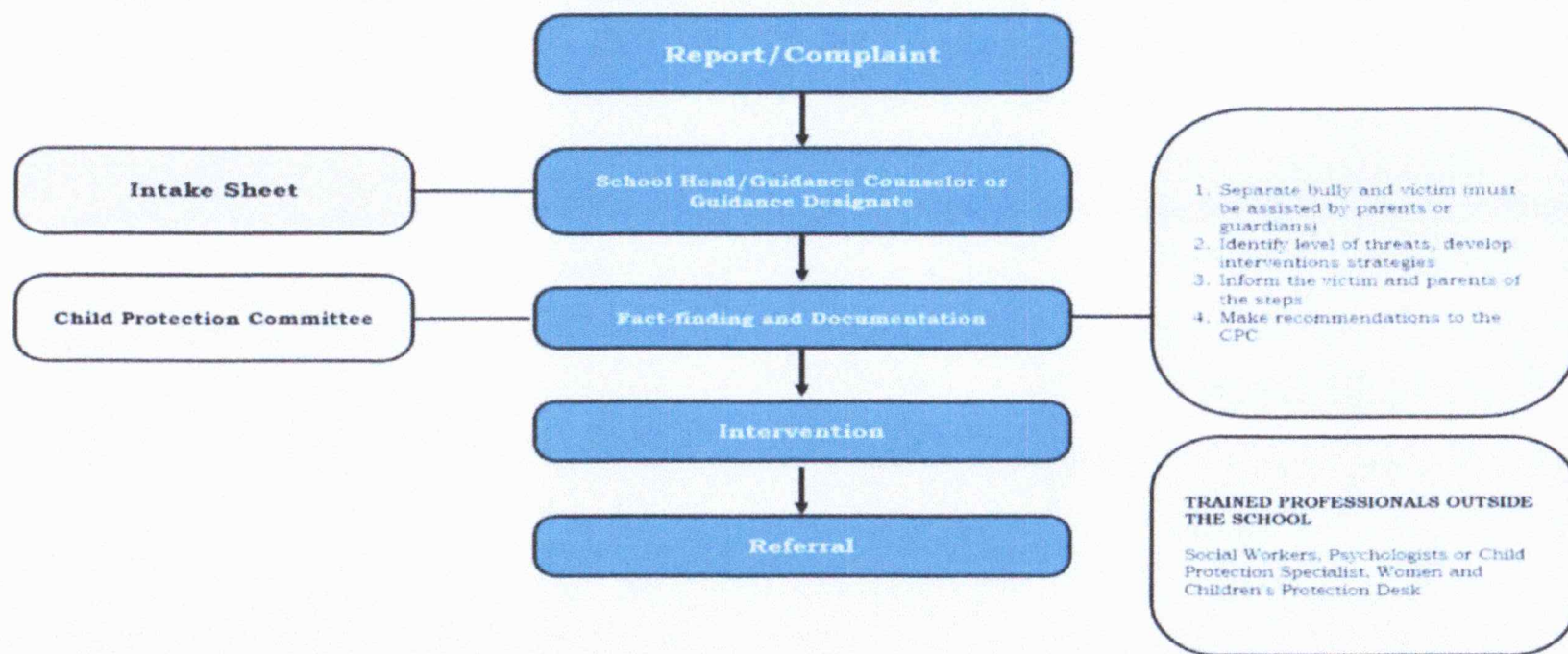




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Annex C

DEPED RO III PROCEDURES FOR CASE OF BULLYING IN SCHOOLS



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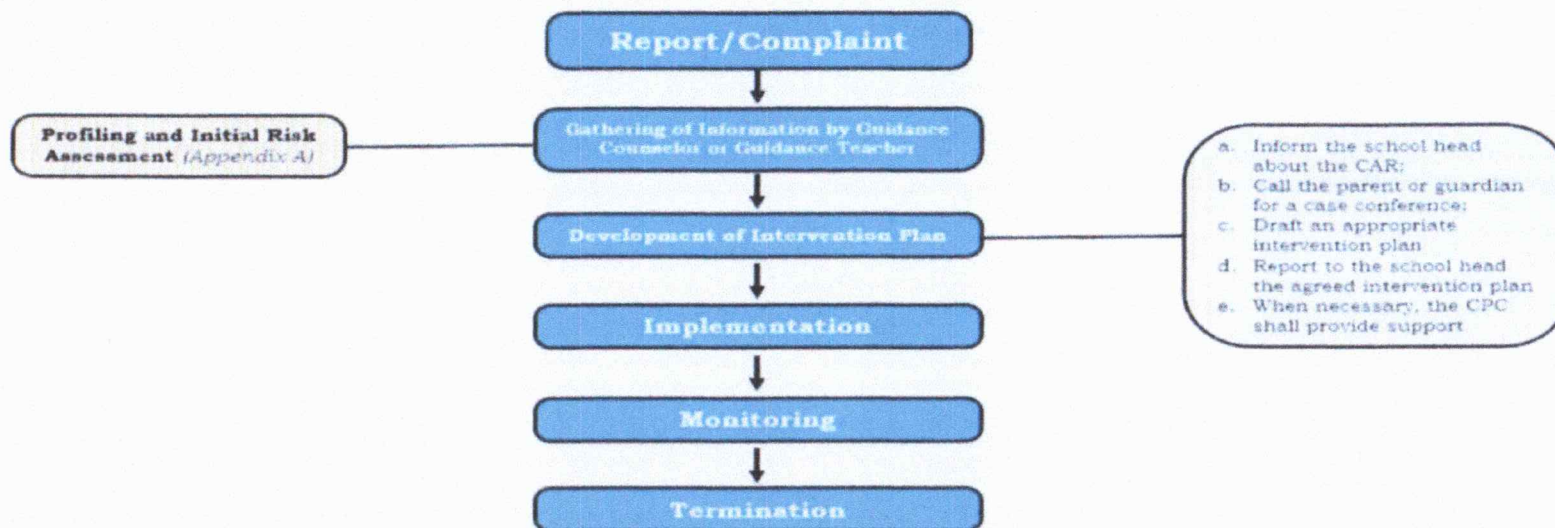
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Annex D

DEPED RO III PROCEDURES IN THE MANAGEMENT OF CHILDREN-AT-RISK (CAR)



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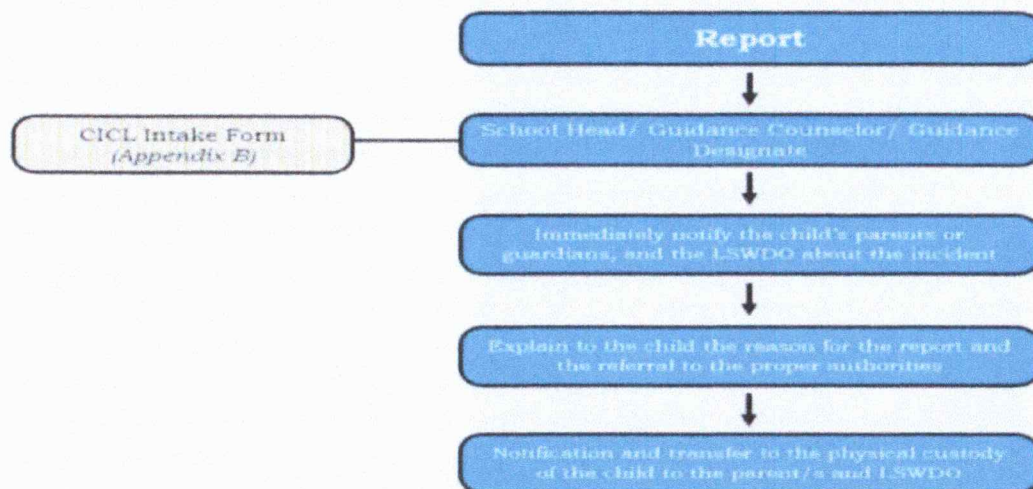
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Annex E

DEPED RO III PROCEDURES IN MANAGING CHILDREN IN CONFLICT WITH THE LAW (CICL)



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REFERRAL FORM

Date: _____

A. To/For: _____
(Name of Head/Institution/Agency)

B. Information of the Learner

Name of Learner: _____ Age: ____ Gender: _____ Birthday: _____

Case Category: () Abuse _____ () Bullying () CAR () CICL ()

C. Background information about the Learner's Case:

D. Reasons for Referral:

E. Intervention/Services Requested:

Referred by:

Sch. LRP Focal Person

Approved by:

School Head/Chairman, CPC



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INCIDENT REPORT

Date: _____

A. Profile of the Learner:

Name: _____ Nickname/ Alias: _____ Age: _____ Gender: _____

Date of Birth: _____ Place of Birth: _____

Address: _____

Grade Level: _____

B. Background information of the case:

Case: _____

Date and Time of Incident: _____

Place of Incident: _____

Perpetrator of the alleged violence committed:

Name: _____ Grade Level: _____

Address: _____

Parent or Guradian: _____

Relationship of the perpetrator to the learner victim: _____

C. Details of the Case:

D. Actions taken based on the agreement made including schedule follow meeting/Case Conference:



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E. Remarks

F. Recommendation/s

G. Other Attachments (other supporting documents, if needed)

Prepared by:

Approved by:

Sch. LRP Focal Person

School Head/Chairman, CPC



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INTERVENTION PLAN

Name of the learner: _____

School: _____

Grade Level: _____

Case: _____

Category: () Learner-victim () Learner-perpetrator

Program	Strategy	Activity	Method	Resources	Person involved	Timeline	Status	Remarks/Analysis

Prepared by:

Approved by:

 RGC/Guidance Teacher/Sch. LRP Focal Person

 School Head/Chairman, CPC



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