

## DepEd Assures the Public that the Rights of Children are Protected

PASIG

CITY, October

20,2019--

On September 20, 2019, the Assistant Regional Director and OIC of DepEd Region XI approved the recommendation of the Fact Finding Committee for the closure of the private schools operated by the Salugpongan Ta' Tanu Igkanogon Community Learning Center, Inc. (Salugpongan). This was received by the representative of Salugpongan on October 7, 2019.

The Resolution was condemned by the Save our Schools Network (SOS), which based on various website pages is a network of organizations that includes Salinlahi Alliance for Children's Concerns, Children's Rehabilitation Center, Gabriela, Gabriela Women's Party, ACT Teachers Partylist, ACT, Karapatan, Rural Missionaries of the Philippines, Student Christian Movement of the Philippines, Ibon International, Ibon, Association for the Rights of Children in Southeast Asia, and Salugpongan International. In its October 9 statement (<https://www.facebook.com/saveourschoolsnetwork/photos/sos-strongly-condemns-the-closure-of-54-salugpongan-lumad-schools-in-davao-regio/3091515984254076/>), the network averred that "such move is tantamount to disenfranchisement of thousands of Lumad children to their right to education" and that Salugpongan was not given due process.

The Commission on Human Rights, through a statement by Commissioner Gwendolyn Pimentel-Gana on October 7, 2019, expressed "concern over the continued closure of Lumad schools in the Davao region". She adds that protection of children from all forms of abuse and violence "should not come at the expense of their other rights, such as the right to education". (See <https://chr.gov.ph/statement-of-commission-on-human-rights-commissioner-gwendolyn-pimentel-gana-on-the-continued-closure-of-lumad-schools/>)

DepEd assures Commissioner Pimentel-Gana, whom we hold in high respect and regard, and the public, that its actions are guided by the interest of protecting the children, and always mindful that their right to education is upheld at all times. Our actions also accord due process to all concerned.

### Clarifying School Standards

The DepEd is mandated to regulate the establishment and recognition of private schools in the basic education level, which proceed from both the Constitution and relevant statutes. The operation of schools in basic education requires the prior authorization by DepEd, which for private schools is expressed by way of permit or recognition. As stated by the Supreme Court, this is "pursuant to the State policy that educational programs and/or operations shall be of good quality and therefore shall at least satisfy minimum standards with respect to curricula, teaching staff, physical plant and facilities and of administrative or management viability".<sup>1</sup>

The authorization is subject to continuing regulation, which includes the authority to suspend or revoke any permit or recognition if a school falls short of the minimum requirements or any of the conditions for continuing recognition is violated by the institution.

The requirements for authorization and continuing permit or recognition include curriculum standards, teaching methods, records management, grading system, teacher qualifications, and school site and facilities. For private schools serving indigenous peoples learners where the site

is within ancestral domain, the proof of ownership or possession must include an agreement between the learning institution and the IP community on the use of the property situated within the ancestral domain.

The curriculum standards must follow that which is set by DepEd. Presently, this is the K to 12 Curriculum. While certain flexibilities are afforded for IP schools to integrate indigenous learning, such flexibility does not extend to instruction of matters that are in contravention of law.

Certainly, allowing a school in basic education, catering mainly to minors, to be used for recruitment in armed insurgency violates the curriculum standards of DepEd. DepEd emphasizes that the school standards are applied equally to all private schools.

### **Due Process is Being Observed**

Early in the year, DepEd received a report from Secretary Germogenes Esperon, Jr., seeking the closure of the Salugpongan upon the reasons, among others, that “some students were already taught to dismantle and assemble firearms”, and that “some students were not allowed to go home and they were controlled by the administrator and teachers of Salugpongan”.

The report by no less than the National Security Adviser is very serious. The Secretary exercised the prerogative to act directly on the matter, pursuant to the Secretary’s power of supervision and control over the Department under the Administrative Code of 1987, and directed the OIC – Office of the Regional Director to suspend the Salugpongan schools, pending investigation and recommendation on the matter by the Regional Director.

1 Philippine Merchant Marine School, Inc. v. Court of Appeals, G. R. No. 112844, June 2, 1995.

DepEd emphasizes that the suspension directed by the Secretary is not in the nature of a penalty. It was a precautionary measure for the protection of the students, pending the investigation and resolution of the matter by the Regional Office.

Commissioner Pimentel-Gana, in her statement, made mention of the recently enacted RA 11188, or the "Special Protection of Children in Situations of Armed Conflict Act". Among the rights of children in situations of armed conflict is “to be protected from recruitment into government forces or armed groups and from participation in armed conflict...” Armed groups are defined in the Act as “armed non-State actor or non-State entity engaged in armed violence against the State or its government forces or against other non-State armed groups, actors or non-State entities”.

As stated at the beginning, the Resolution was received by Salugpongan on October 7, 2019. We enclose the Resolution herewith for transparency, allowing the public opportunity to look into the process and basis of the Resolution. Salugpongan itself has the prerogative to avail of remedies.

### **Right of Children to Education is Protected**

DepEd again assures the public that it has taken all possible steps to ensure that the right of the children to education is protected throughout the process. In the directive of the Secretary, she made sure the Regional Office shall make the proper arrangements with the Divisions and schools within the areas served by the Salugpongan schools, to assist and admit all students that may be displaced as a result of the suspension, even with the unavailability or insufficiency of the required

transfer credentials, and to reconstruct the records in the course of their enrollment in DepEd schools.

For School Year 2018-2019, there are 1,142 learners recorded with the DepEd's Learners Information System. The latest report from our Regional Office is that we have accounted for 1,000 of these learners in DepEd schools. This belies the representation by critics that the learners are deprived of education by the closure because of absence of DepEd schools in these areas.

There have been nearby DepEd schools in most of the areas where Salugpongan schools were situated. We have intensified the delivery of services even more by opening of additional new schools, conversion of existing elementary schools into integrated schools, and mobilizing local inter-agency coordination and convergence of efforts.

Secretary Briones herself visited Talaingod in August this year, to personally see the situation of learners and teachers, hear from them, and ensure that their education needs are addressed.

Datu Gibang Apoga, Chieftain of the Ata-Manobo, thanked Secretary Briones for visiting. According to him, it has always been his dream that all children in Talaingod will have access to quality basic education.

The Bigger Picture: DepEd Promotes IP Education nationwide

The public should not lose sight of the broader context that DepEd actually serves a much bigger area for IP education than the Salugpongan areas that have received the greater media attention. The National Indigenous Peoples Education (IPEd) Program is DepEd's response to the right of indigenous peoples (IP) communities to basic education that is sensitive to their context, respects their identities, and promotes the value of their indigenous knowledge, competencies, and other aspects of their cultural heritage.

Through the IPEd Program, DepEd supports education initiatives undertaken through formal, non-formal, and informal modalities. Initiatives under the IPEd program cover the establishment of dialogue mechanisms with IP communities, curriculum contextualization, Mother tongue-based Multilingual Education (MTB-MLE), and teacher hiring and capacity development of DepEd personnel.

DepEd is continuing to respond to access concerns. As of SY 2018-2019, there is a total of 2,593,555 IP learners in the entire public school system. There are 1,897 public schools whose enrollment are all IP learners, totaling 170,000.

As it maintains its thrust to strengthen the enabling condition for culture-based education, the Department emphasizes the importance of managing the IPEd Program through a long-term partnership with IP communities at all governance levels. DepEd will continue to consult, engage, and partner with IP elders and communities to further strengthen the program and ensure that the education system is truly inclusive, the learning environment is safe and conducive, and the right of every Filipino learner to quality basic education is upheld, promoted, and safeguarded.

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