

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Batasan Hills, Quezon City



**EIGHTEENTH CONGRESS**  
First Regular Session

**HOUSE RESOLUTION No. 449**

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Introduced by  
**ACT Teachers Party-List Rep. FRANCE L. CASTRO**

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**RESOLUTION**  
**DIRECTING THE DEPARTMENT OF BUDGET AND MANAGEMENT**  
**AND THE DEPARTMENT OF EDUCATION TO PROPERLY IMPLEMENT THE GRANT OF**  
**SPECIAL HARDSHIP ALLOWANCE FOR PUBLIC SCHOOL TEACHERS AS PROVIDED BY**  
**REPUBLIC ACT 4670 OR THE MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS**

WHEREAS, Section 19 of Republic Act 4670, or *The Magna Carta for Public School Teachers*, states that “[i]n areas in which teachers are exposed to hardship such as difficulty in commuting to the place of work or other hazards peculiar to the place of employment, as determined by the Secretary of Education, they shall be compensated special hardship allowances equivalent to at least twenty-five per cent of their monthly salary”;

WHEREAS, the DepEd issued a series of Orders and Memoranda on the Guidelines and Payment of Hardship Allowance to Eligible Public School Teachers. The DBM also issued National Budget Circular 514 dated December 5, 2007 entitled the Guidelines on the Grant of Special Hardship Allowance;

WHEREAS, said guidelines state that the Special Hardship Allowance “shall not exceed twenty-five percent (25%) of the annual basic salary”;

WHEREAS, these guidelines contradict the clear text of *The Magna Carta for Public School Teachers* as aforementioned. While the law provides 25% as the minimum amount of the Special Hardship Allowance, these administrative issuances make 25% as the maximum;


WHEREAS, it should be noted that since DBM’s circular in 2007, this system of having 25% as the maximum for the Special Hardship Allowance has been adopted, later on even in the annual general appropriations acts (GAAs). It is an established rule,

however, that general laws can neither amend nor repeal special laws. Furthermore, the GAAs did not expressly repeal the *Magna Carta*;

WHEREAS, this unlawful reinvention of the law by mere administrative circulars has resulted in the diminution of benefits of public school teachers. The injustice is even graver considering that the teachers concerned are those who make the greatest sacrifices just to bring education to Filipino children in the hardest-to-reach corners of our country. The teachers who ought to be given the Special Hardship Allowance are those who endure long and risky travel to and from schools, handle multi-grade classes, and are tasked with the implementation of non-formal and alternative education programs;

NOW, THEREFORE, BE IT RESOLVED as it is hereby resolved, that the House of Representatives direct the Department of Budget and Management and Department of Education to properly implement the grant of Special Hardship Allowance for public school teachers as provided by Republic Act 4670 or *The Magna Carta for Public School Teachers*.

*Adopted,*



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**Rep. FRANCE L. CASTRO**  
*ACT Teachers Party-List*