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Research Article

“Ignorance of the law excuses no one:” Fundamental Laws Every Filipino Teachers in Educational Institutions Should Know

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ABSTRACT

In the Philippines, everyone is presumed to know the law. Laws in the Philippines take effect after fifteen days following the completion of their publication either in the Official Gazette or in a newspaper of general circulation in the Philippines. Respondents in this mini research were local teachers and professors from secondary and tertiary levels within the National Capital Region (NCR) with some of them from outside the NCR. Survey questionnaires were administered in this study through convenient and snowball sampling techniques. The initial pulse from the respondents indicated that they have a good percentage of the knowledge of the six identified laws. Most of their knowledge were acquired in attending seminars and conference.

Keywords: *Filipino teachers, Legal consciousness, Two-notice rule*

Introduction

Ignorance of the law excuses no one from compliance therewith (Article 3 of the New Civil Code of the Philippines) This legal maxim is a basic tenet that every Filipino citizen must follow upon reaching the age of majority. Hence, every Filipino citizen is presumed to know the law. In the Philippines, laws “shall take effect after fifteen days following the completion of their publication either in the Official Gazette or in a newspaper of general circulation in the Philippines, unless it is otherwise provided” (Article 2 as amended, Civil Code of the Philippines).

Based on the 2022 World Justice Project (WJP) Rule of Law Index, the Philippines is ranked 97th out of 140 countries worldwide and placed 13th out of 15th in East Asia and the Pacific. The knowledge gained through our interactions in the world is what is noticed by the conscious self.

According to Horák et al. (2021), legal consciousness is a complex of an individual's knowledge, abilities, attitudes, beliefs, and values related to the law. It is the process by which the relationship between an individual and the law is formed, strengthened, and developed within the framework of a particular society

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and legal system, giving the latter the legitimacy and authority required to regulate behaviour in humans. Literacy follows consciousness. In the Philippines, employed and unemployed Filipinos 15 years old and over had the basic literacy rate at 96.1 percent (2019 Functional Literacy, Education and Mass Media Survey). Our literacy is consisting of vast amounts of information, which gives human beings the ability to understand, through mere observation or interaction, how certain patterns are emerging without necessarily being able to explain how one knows (Sumara et al., 2008).

The functional literacy rate of Filipinos across various mass media varied from 92.6 percent for television watchers to 97.1 percent for internet users for email and research. In general, women demonstrated a greater functional literacy rate than men did when exposed to various mass media platforms. When it comes to digital literacy, 77% of Filipino consumers now identifying themselves as "digitally curious" or "digital explorers" (Alarilla, 2021).

Local survey has revealed that Filipino teachers' exposure to education law was only limited to a few education laws such as on sexual harassment and gender sensitivity. There is a dearth of local research on teachers' knowledge about laws that impact fundamental student and teacher rights (Sanchez-Danday et al., 2019). In another study, it was revealed that local teachers were unaware of important landmark cases (Alma et al., 2021 citing Brown, 2204).

Considering the above foregoing, teachers, and professors in the Philippines either in private or public educational institutions regardless of institutional classifications must strictly observe and be knowledgeable of some pertinent domestic laws. The very purpose of this article is to remind teachers and professors, who are at the very forefront of human relations inside the classrooms and campuses not to be ignorant of the laws.

Methods

This research article is a mixed of qualitative and descriptive study. On the one hand, qualitative study adopts the review paper research style using the narrative approach,

which accordingly, such approach has no predetermined research question or specified search strategy, only a topic of interest, which explains the existing knowledge based on all the published research available on the topic (Narrative Review - an Overview | ScienceDirect Topics, 2019; editage.com, 2015; Grant & Booth, 2009; and Gregorich, 2019). Unlike in original research articles, review articles do not present experimental results (authorservices.taylorandfrancis.com, n.d.). Secondary data are sourced out through data mining taken from various archived data, which are stored in recent studies, books, reports, working papers, websites and from the official gazette of the government. On the other hand, descriptive study, which according to Aggarwal & Ranganathan (2019) provides a description of the facts and features of a specific population of interest to respond to inquiries and present a truthful representation of the circumstance without regard to any causal or other hypothesis.

This paper will conduct survey interviews among prospective respondents who are teachers from secondary and tertiary levels only. The author purposely excluded prospective respondents who are lawyers or with law degree backgrounds to avoid biases and prejudices. Depending upon the availability of schedules and agreement with the respondents, the survey may be conducted either face-to-face or online. The author will personally facilitate the conduct of the interviews. Given preceding circumstances, convenient sampling as well as snowball sampling will be adopted in this study. This study will gather descriptive characteristics based on the six-question, closed-ended, with sub-questions interviews. The questions will determine the respondents' awareness and knowledge of the laws, which are mentioned under Results and Discussion.

Result and Discussion

The respondents in this study were not the representative sample size of the population since this research only intends to get the initial pulse of several local teachers and professors, who were all Filipinos and within the reach and access of the author.

Table 1. Profile of Respondents

Respondents	Participated	
	YES	NO
Secondary school teachers (Junior and Senior High Schools)	17	3
• From National Capital Region (NCR)	5	2
• Outside NCR	12	1
College & University Instructors/Professors	19	3
• From NCR	14	2
• Outside NCR	5	1
TOTAL	36	6

Profile of the respondents in this study were mainly assigned to some of the local teachers in the secondary and tertiary level within the National Capital Region (NCR) and outside NCR. Interviews were conducted conveniently whoever is accessible under a very limited time and space.

Despite direct and convenient access to respondents, retrieval of questionnaire was not hundred percent successful. Non-participation by prospective respondents happened in online approach.

Below are the six (6) laws, which are the subjects of the survey:

A. *Anti-Bullying Act of 2013*

Global survey (Senate of the Philippines, 19th Congress citing PISA, 2018) says, Filipino students most exposed to bullying. PISA report shows that, bullying occurs "at least a few times a month" for 65% of high school pupils in the Philippines. This well exceeds the 23 percent average across the 79 nations that participated in the worldwide poll. According to Buot and De la Peña (2016), the bullying experiences among Filipino high school students, drawing from the context of these students in Philippine schools are: physical bullying obtained the greatest percentage of the variance followed by verbal bullying and indirect-emotional

bullying. These did not differ significantly in both public and private schools.

The law defines bullying as "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.

Acts considered as bullying include:

- Unwanted physical contact
- Any act that causes damage to a victim's psyche and/or emotional well-being
- slander
- cyber-bullying

Under the law, school administrators who fail to comply may face administrative sanctions. Private schools, on the other hand, may lose their permit to operate.

Interview question:

Interview Question (IQ) #1

Are you knowledgeable of the law below, which have relative effect to your profession as a teacher?

- Anti-Bullying Act of 2013

Table #2. Responses of respondents on the IQ #1

Respondents	Responses		
	Partly, YES	Entirely, YES	Entire, NO
Secondary school teachers (Junior and Senior High Schools)	4	13	
• From National Capital Region (NCR)	0	5	
• Outside NCR	4	8	
College & University Instructors/Professors	17	2	
• From NCR	12	2	
• Outside NCR	5	0	
TOTAL RESPONSES	21	15	0

Fifty eight percent (58%) of respondents gave "partly, yes" answers; and forty two percent (42%) "entirely, yes" answers. Teachers' knowledge of the above law was within the range of below average to above average.

Interview sub-question:

If your answer is Partly, YES or Entirely YES, how have you kept yourself knowledgeable about such law?

Table #3. Responses of respondents' knowledge about such law

Respondents	Responses			
	By reading Supreme Court Decisions.	By visiting lawyers' blogs and websites	Through colleagues in the professions.	Through seminars and conferences.
Secondary school teachers (Junior and Senior High Schools)				
• From National Capital Region (NCR)				5
• Outside NCR	1	9	2	
College & University Instructors/Professors				
• From NCR	6			9
• Outside NCR		4		
TOTAL RESPONSES	7	13	2	14

As shown on the table above, most teachers' knowledge of the above law was acquired through seminars and conferences; by visiting lawyers' blogs and sites; and reading Supreme Court Decisions. Rare did they acquire their knowledge through their colleagues in the professions.

B. RA 9262: the Anti-Violence Against Women and their Children Act of 2004

Based on statistics from the Council for the Welfare of Children (UNICEF, 2016). 3,866 children and youth aged 13-24 years from 172 barangays in 17 regions of the country,

participated in this survey. About 14.3 percent of those who attended school experienced physical violence in school. Pinching (32.5%), being hit with an eraser or chalk (31.5%), twisting ears (25.8%) as well as spanking with a bare hand, rolled paper or small stick (23.5%) by a teacher or an adult in the school were the most common forms of physical violence in school.

What is violence against women and children? According to the law, it is an act, or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or

had a sexual or dating relationship. A casual acquaintance or ordinary socialization between two individuals in a business or social context is not a dating relationship (Section 3).

It may be committed by a former partner whose relationship with the victim has ended, but with whom he has a common child. It may also be committed against the woman's child whether legitimate or illegitimate. It also includes situations wherein the parties live as husband and wife without the benefit of marriage or where they are romantically involved over time and on a continuing basis (Section 3).

The violence may result in physical, sexual, or psychological harm or suffering, and may

also encompass economic abuse, threats of violence, battery, assault, coercion, harassment, or arbitrary deprivation of liberty (Section 3). Sexual violence may be committed against a woman or her child. It includes, but is not limited to, rape, sexual harassment, acts of lasciviousness, or treating a woman or her child as a sexual object (Section 3(a)A).

Interview question:

Interview Questions #2:

Are you knowledgeable of the law below, which have relative effect to your profession as a teacher?

- RA 9262: the Anti-Violence Against Women and their Children Act of 2004

Table #4. Responses of respondents on the IQ #2

Respondents	Responses		
	Partly, YES	Entirely, YES	Entirely, NO
Secondary school teachers (Junior and Senior High Schools)	4	13	
• From National Capital Region (NCR)	3	2	
• Outside NCR	1	11	
College & University Instructors/Professors	17	2	
• From NCR	12	2	
• Outside NCR	5		
TOTAL RESPONSES	21	15	0

Fifty eight percent (58%) of respondents gave "partly, yes" answers; and forty two percent (42%) "entirely, yes" answers. Teachers' knowledge of the above law was within the range of below average to above average.

Interview sub-question:

If your answer is Partly, YES or Entirely YES, how have you kept yourself knowledgeable about such law?

Table #5. Responses of respondents' knowledge about such law

Respondents	Responses			
	By reading Supreme Court Decisions.	By visiting lawyers' blogs and websites.	Through colleagues in the professions.	Through seminars and conferences.
Secondary school teachers (Junior and Senior High Schools)				
• From National Capital Region (NCR)				4
• Outside NCR	1	8	3	
College & University Instructors/Professors				
• From NCR	6			9
• Outside NCR		3		2
TOTAL RESPONSES	7	11	3	15

As shown on the table above, most teachers' knowledge of the above law was acquired through seminars and conferences; by visiting lawyers' blogs and sites; and reading Supreme Court Decisions. Rare did they acquire their knowledge through their colleagues in the professions.

C. Republic Act 7877: The Anti-Sexual Harassment Act of 1995

Under RA 7877, sexual harassment occurs in work, education, or training related sexual harassment is "committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainer, or any person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted or not by the object of said act."

Education or Training-related Sexual Harassment is committed (Guanzon, 2008):

1. Against one who is under the care, custody, or supervision of the offender.
2. Against one whose education, training, apprenticeship, or tutorship is entrusted to the offender.
3. When the sexual favour is made a condition to the giving of a passing grade, or granting of honours and scholarships, or the

- payment of a stipend, allowance or other benefits, privileges, or considerations; or
4. When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee, or apprentice.

The law does not cover other incidents of sexual harassment, such as those which happen in the streets, public, and online spaces. These incidents were included under the Safe Spaces Act (Republic Act No. 11313)

In a report by Bartolome of GMA News Online citing UN Women/Social Weather Station survey (2016) results among 400 female and 400 male residents, from 12 to 75 years old from two (2) local communities in Quezon City, Philippines revealed that three in five women have experienced sexual harassment at least once in their lifetime. In the same survey, it also revealed that three out of five males admitted to committing a form of sexual harassment. A local study among Filipino college students by Gabriel and Panahon (2017), revealed that students have higher perceptions of visual and physical behaviours in relation to sexual harassment.

Interview question #3:

Are you knowledgeable of the law below, which have relative effect to your profession as a teacher?

- Republic Act 7877: The Anti-Sexual Harassment Act of 1995

Table #6. Responses of respondents on the IQ #3

Respondents	Responses		
	Partly, YES	Entirely, YES	Entire, NO
Secondary school teachers (Junior and Senior High Schools)	0	18	
• From National Capital Region (NCR)		6	
• Outside NCR		12	
College & University Instructors/Professors	16	2	
• From NCR	12	2	
• Outside NCR	4		
TOTAL RESPONSES	16	20	0

Forty four percent (44%) of respondents gave "partly, yes" answers; and forty six percent (56%) "entirely, yes" answers. Teachers' knowledge of the above law was within the range of below average to above average.

Interview sub-question:

If your answer is Partly, YES or Entirely YES, how have you kept yourself knowledgeable about such law?

Table #7. Responses of respondents' knowledge about such law

Respondents	Responses			
	By reading Supreme Court Decisions.	By visiting lawyers' blogs and websites.	Through colleagues in the professions.	Through seminars and conferences.
Secondary school teachers (Junior and Senior High Schools)				
• From National Capital Region (NCR)				6
• Outside NCR	1	8	3	
College & University Instructors/Professors				
• From NCR	5			9
• Outside NCR				4
TOTAL RESPONSES	6	8	3	19

As shown on the table above, most teachers' knowledge of the above law was acquired through seminars and conferences; by visiting lawyers' blogs and sites; and reading Supreme Court Decisions. Rare did they acquire their knowledge through their colleagues in the professions.

D. Republic Act No. 11313 or The Safe Spaces Act (Anti Bastos Law)

The law covers all forms of gender-based sexual harassment (GBSH) committed in public spaces, in streets, online spaces, workplaces, and educational and training institutions. The law recognizes that sexual harassment may be committed not just by persons in authority but even between peers, or by a student to a teacher, or by a subordinate to a superior. The law gave definite mandates to educational and training institutions among others in preventing and addressing gender-based sexual harassment (GBSH).

Regardless of the motive, any person may violate the law through any unwanted and uninvited sexual actions or remarks. Examples of

sexual actions and remarks are misogynistic slurs, transphobic slurs, homophobic slurs, sexist slurs, stalking, lewd sexual acts, and persistent unwanted comments on one's appearance.

In a report by Bartolome (2016), sixty percent of Filipino male committed acts of wolf whistling, lascivious language, exhibitionism, and public masturbation.

According to Tarroja et al. (2020), 80% of Filipino children, who were 18 years old or over were vulnerable to online sexual abuse. In a report by Goulds et al. (2020) presented in the annual State of the World's Girls report by Plan International, it was stated that more than half of girls surveyed, from 31 countries including the Philippines have been harassed and abused online.

Interview question #4:

Are you knowledgeable of the law below, which have relative effect to your profession as a teacher?

- Republic Act No. 11313 or The Safe Spaces Act (Anti Bastos Law)

Table #8. Responses of respondents on the IQ #4

Respondents	Responses		
	Partly, YES	Entirely, YES	Entire, NO
Secondary school teachers (Junior and Senior High Schools)	13	3	0
• From National Capital Region (NCR)	5		
• Outside NCR	8	3	
College & University Instructors/Professors	14	1	4
• From NCR	9	1	4
• Outside NCR	5		
TOTAL RESPONSES	27	4	4

For this law, seventy percent (75%) of respondents gave "partly, yes" answers; and eleven percent (11%) "entirely, yes" answers. Teachers' partly knowledge of the above law is high. While entirely knowledgeable is very low the same is true with no knowledge at all about the said law.

Interview sub-question:

If your answer is Partly, YES or Entirely YES, how have you kept yourself knowledgeable about such law?

Table #9. Responses of respondents' knowledge about such law

Respondents	Responses			
	By reading Supreme Court Decisions.	By visiting lawyers' blogs and websites.	Through colleagues in the professions.	Through seminars and conferences.
Secondary school teachers (Junior and Senior High Schools)				
• From National Capital Region (NCR)		1		4
• Outside NCR	1	6	1	3
College & University Instructors/Professors				
• From NCR	5			8
• Outside NCR		5		
TOTAL RESPONSES	6	12	1	15

As shown on the table above, most teachers' knowledge of the above law was acquired through seminars and conferences; by visiting lawyers' blogs and sites; and reading Supreme Court Decisions. Rare did they acquire their knowledge through their colleagues in the professions.

E. TWO NOTICE RULE: (case of Distribution and Control Products, Inc. Vincent M. Tiamsic vs. Jeffrey E. Santos, G.R. No. 212616, July 10, 2017)

(a) First Written Notice. The first written notice should contain:

1. Specific reasons or grounds for termination as specified under the Labor Code's (as amended) Article 297 and any applicable company policies.
2. A thorough account of the events and circumstances that will form the foundation of the employee's charge. It is insufficient to describe the charge in general terms; and,

3. An instruction stating that the worker or employee must be provided with a reasonable amount of time to submit a written explanation.

(b) Second Written Notice. The employer must serve the worker or employee a formal notice of termination once it has been decided that the employee's employment is terminated for cause or causes.

That, all circumstances involving the charge or charges against the worker or employee have been examined; and the grounds have been established to justify the termination of their employment.

Interview question #5:

When an employee (teaching and non-teaching) committed an offense or infractions or crimes while on duty or in the performance of his/her job, are you aware of the two-notice rule that are afforded to the offender as provided for under the Labor Code of the Philippines?

Table #10. Responses of respondents on the IQ #5

Respondents	Responses		
	Partly, YES	Entirely, YES	Entirely, NO
Secondary school teachers (Junior and Senior High Schools)	4	12	1
• From National Capital Region (NCR)	4		1
• Outside NCR		12	
College & University Instructors/Professors	10	1	8
• From NCR	5	1	8
• Outside NCR	5		
TOTAL RESPONSES	14	13	9

For this law, thirty nine percent (37%) of respondents gave "partly, yes" answers; and thirty seven percent (37%) "entirely, yes" answers. However, there was a number (25% of respondents) of "entirely no" answer and most of them came from college and university professors.

Interview sub-question:

If your answer is Partly, YES or Entirely YES, how have you kept yourself knowledgeable about such law?

Table #11. Responses of respondents' knowledge about such law

Respondents	Responses			
	By reading Supreme Court Decisions.	By visiting lawyers' blogs and websites.	Through colleagues in the professions.	Through seminars and conferences.
Secondary school teachers (Junior and Senior High Schools)				
• From National Capital Region (NCR)			1	3
• Outside NCR	1	5	5	1
College & University Instructors/Professors				
• From NCR	5			1
• Outside NCR		5		
TOTAL RESPONSES	6	10	6	5

As shown on the table above, most teachers' knowledge of the above law was acquired through visiting lawyers' blogs and sites. This was followed by reading Supreme Court Decisions and through colleagues in the profession. Attending seminars and conference was also their good source of knowledge of the above law.

F. Article 3, Civil Code of the Philippines.

"Laws shall take effect after fifteen days following the completion of their publication in the Official Gazette, or in a newspaper of general circulation in the Philippines, unless it is otherwise provided."

Art. 2, Civil Code, as amended by E.O. 200.

Laws in the Philippines take effect after 15 days following the completion of their publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

The law may provide that it is effective immediately upon publication, or that will be effective on a particular date. The publication of laws is indispensable—laws must be published

to inform the public what the law is about. The publication requirement is a part of procedural due process. (Jurado, 2019)

Interview question #6:

Everyone is presumed to know the law. Are you aware of the legal maxim that "Ignorance of the law excuses no one from compliance therewith?" (Art. 3, Civil Code of the Philippines).

Table #12. Responses of respondents on the IQ #6.

Respondents	Responses	
	YES	NO
Secondary school teachers (Junior and Senior High Schools)	18	0
• From National Capital Region (NCR)	6	
• Outside NCR	12	3
College & University Instructors/Professors	10	
• From NCR	6	3
• Outside NCR	4	
TOTAL RESPONSES	28	3

For this law, seventy eight percent (78%) of respondents gave "yes" answers; and only eight percent (8%) gave "no" answers.

Conclusion

Laws guarantee our rights as citizens and safeguard our general safety against violations by individuals, groups, and the government itself. Regardless of one's status in life in term of creed, social strata, profession or any other personal connection, association, or membership everyone in the conduct of the affairs of life must observe honesty, good faith and afford everyone his or her due. A person's knowledge, skills, attitudes, convictions, and ideals about the law are all part of the person's legal consciousness.

There is a high percentage of Filipino teachers and professors who profess of the existence of the above laws and were aware of its provisions. Sources of their knowledge of the above laws were acquired mostly in attending conferences and seminars. For this matter, educational educations in all levels both in the public and private sectors across the countries must regularly provide seminars and conferences

focusing on relevant laws that have direct effect in the performance of the duties of the teachers and professors.

Though laws in the Philippines take effect after fifteen days following the completion of their publication either in the Official Gazette or in a newspaper of general circulation in the Philippines, an effective and efficient mechanism of disseminating the provisions of the laws and their updates are still necessary to avoid ignorance of the law and enhance from compliance therewith.

Further studies by the author will be conducted in the future with sample size representing the population of prospective respondents. Levels of awareness will be statistically measured and compared between teachers within NCR and outside NCR.

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