### Legal Notes for Registrars

-Atty. Joseph Noel M. Estrada

### Function of a REGISTRAR

The Registrar is responsible for the supervision and management of all administrative and operational functions of the Office of the Registrar.



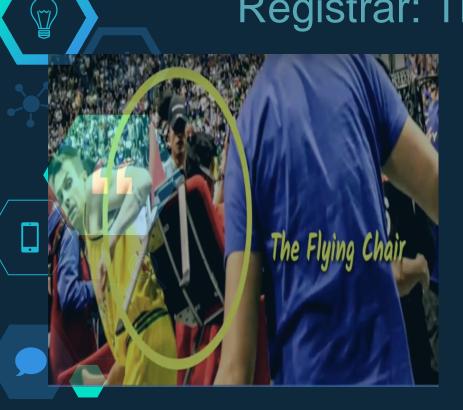
### Registrar: The

The Registrar ensures the integrity, accuracy, and security of all academic records of current and former students; facilitate effective student registration and enrollment; builds secure student data files and sets policy and procedure for their responsible use;



Registrar: The Custodian Maintains up-to-date course schedules, catalogs, final examination schedules; and manages efficient use of classrooms. The **Registrar supervises the processes** for the articulation of transfer credits, graduation and certification of baccalaureate and associate degrees, enrollment and degree verification, production of official transcripts, diplomas, and commencement ceremonies.

### Registrar: The Chair



The Registrar counsels and advises students, faculty, and staff on academic matters. Additionally, the Registrar chairs the Registration, Credits, and Graduation Council, Calendar Committee, Registration **Committee, Grade Appeal Committee** for undergraduate students, Commencement Committee. **Residence Rule/Retention Appeal** Committee; and is a member of various other Councils and Committees in the School.

### Nature of Employment

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### **Registrar = Academic**



"Teaching or academic staff," or all persons engaged in actual teaching and/or research assignments, either on full-time or part-time basis, in all levels of the educational system.

> "Academic non-teaching personnel," or those persons holding some academic qualifications and performing academic functions directly supportive of teaching, such as registrars, librarians, research assistants, research aides, and similar staff.

"School administrators," or all persons occupying policy implementing positions having to do with the functions of the school in all levels.

#### Education Act of 1982

### DepEd 88, s. 2010 (MRPSBE):

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c. "Academic Personnel" includes all school personnel who are formally engaged in actual teaching service or in research assignments, either on full-time or part-time basis, as well as those who possess certain prescribed academic functions directly supportive of teaching, such as registrars, librarians, guidance counselors, researchers, and other similar persons. They may include school officials responsible for academic matters, and other school officials.

## Who are Qualified?

*Section 61. Qualifications and Functions of the Registrar.* The registrar shall hold a bachelor's degree and have at least three (3) years of training or experience in the servicing and maintenance of student academic records and related school work.

The Registrar shall be responsible for the school records of pupils and students, and his functions and responsibilities explicitly stated by the school. Unless otherwise indicated by the school, the Registrar shall be the principal contact person of the Department.

Every private school shall preserve and maintain the integrity and confidentiality of its pupils/students records. The issuance of pupils/students records shall be done by the Registrar in accordance with law and the regulations contained in this Manual.

### CMO 40, s. 2008 (MORPHEI)

Section 34. Qualifications and Functions of the Registrar. The registrar shall hold a bachelor's degree and have at least three (3) years of training or experience in the servicing and maintenance of student academic records and related school work.

The Registrar shall be responsible for the school records of students, and shall perform the functions and responsibilities that the institution may expressly and legitimately require. Unless otherwise indicated by the school, the Registrar shall be the institution's principal liaison with the Commission.

Every private higher education institution shall preserve and maintain the integrity and confidentiality of its student records. The Registrar shall issue student records in accordance with law and this Manual.

 $a^{2} + b^{2} = ?$ 

# implication?

#### PROBATIONARY EMPLPOYEES

The current versions of MOPRHEI and the MRPSBE expressly provide that the three-year probationary period shall be applicable to full-time <u>teaching</u> personnel. And the six-month probation period to <u>non-academic</u> personnel. KEEP CALM

PROBATIONARY

**PERIOD IS OVER** 

Thus, both periods do not squarely apply to academic nonteaching personnel like the Registrar.

♦ However, given the peculiar nature and highly technical academic function of the Registrar, it is advanced that the school as a matter of policy may adopt a longer period of probation, usually following the maximum 3-year period for teachers.

♦ However, more often than not, Registrar position is assumed by teachers and faculty who have long exemplified their expertise in the school as a full-time regular teacher.



#### MAGIS, et. al. vs. Manalo

♦ 6 month probationary period, however, does not apply to all classes of occupations.

For academic personnel in private schools, colleges and universities, probationary employment is governed by Section 92 of the 1992 Manual of Regulations for Private Schools<u>which</u> <u>reads:</u>

Section 92. Probationary Period. Subject in all instances to compliance with the Department and school requirements, the probationary period for academic personnel shall not be more than three (3) consecutive years of satisfactory service for those in the elementary and secondary levels, x x x



♦ This was supplemented by DOLE-DECS-CHED-TESDA Order No. 1 dated February 7, 1996, which provides that the probationary period for academic personnel shall not be more than three (3) consecutive school years of satisfactory service for those in the elementary and secondary levels By this supplement, it is made clear that the period of probation for academic personnel shall be counted in terms of school years, and not calendar years. Then, Section 4.m(4)[c] of the Manual delineates the coverage of Section 92, by defining the term academic personnel to include:

MAGIS, et. al. vs. Manalo



All school personnel who are formally engaged in actual teaching service or in research assignments, either on full-time or part-time basis; as well as those who possess certain prescribed academic functions directly supportive of teaching, such as **registrars**, librarians, guidance counselors, researchers, and other similar persons. They include school officials responsible for academic matters, and may include other school officials.

As to grounds for termination, the provisions of the Manual and the School policy for teachers and academic personnel shall apply *suppletorily* to the Labor Code provisions on termination.

### The Registrar and the Students



### Student's Rights

Sec. 9. Right of Students in School. — In addition to other rights, and subject to the limitation prescribed by law and regulations, and student and pupils in all schools shall enjoy the following rights:

4. The right of access to his own school records, the confidentiality of which the school shall maintain and preserve.

5. The right to the issuance of official certificates, diplomas, transcript of records, grades, transfer credentials and other similar documents within thirty days from request.



## **Rights of Parents**

Sec. 8. Rights of Parents. — In addition to other rights under existing laws, all parents who have children enrolled in a school have the following rights.

2. The right to access to any official record directly relating to the children who are under their parental responsibility.



#### Enrollment of Students ATENEO V. CAPULONG

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Every student has the right to enroll in a private school upon meeting its specific standards and reasonable regulations as well as the requirements prescribed by law or regulation. Except in cases of academic delinquency and/or violation of disciplinary regulations, the student shall be presumed qualified for enrolment for the entire period he is expected to complete his course without prejudice to his right to transfer as provided for in this Manual. (Sec. 117)





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#### ANG BOBO 'NYO!!!

#### CAN A SCHOOL REFUSE TO ADMIT STUDENTS DUE TO STRAINED RELATIONS WITH THEIR PARENTS?

### Yes. Here is the Supreme Court ruling on the matter:

"Lastly, where relations between parents and students on the one hand, and teachers and administrators upon the other hand, have deteriorated to the level here exhibited, a private school may, in the interest of the rest of the student body and of the faculty and management as a whole, and of the children of the parents affected, require the affected children to be enrolled elsewhere. The maintenance of a morally conducive and orderly educational environment will be seriously imperiled if, under the circumstances of this case, the [School] is forced to admit petitioners' children and to reintegrate them to the student body. It may be even be argued that petitioners' children have been innocent victims in a deplorable confrontation between some parents and respondent School, but the situation here finds some analogy in labor cases where, because of pre-existing and supervening strained relations, reinstatement is not always a feasible solution."

(Yap Chin Fah v. Court of Appeals, G.R. No. 90063)



#### San Sebastian College v. Reynaldo Borja y Torres

The courts simply do not have the competence nor inclination to constitute themselves as Admission Committees of the universities and institutions of higher learning and to substitute their judgment for that of the regularly constituted Admission **Committees of such educational institutions.** Were the courts to do so, they would conceivably be swamped with petitions for admission from the thousands refused admission every year, and next the thousands who flunked and were dropped would also be petitioning the courts for a judicial review of their grades.

True, an institution of learning has a contractual obligation to afford its students a fair opportunity to complete the course they seek to pursue.
However, when a student . . . fails to maintain the required academic standard, he forfeits his contractual right; and the court should not review the discretion of university authorities.

#### ♦ UST, et. al. v. Danes Sanchez

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This case began with a Complaint-for Damages filed by Danes B. Sanchez against the University of Santo Tomas (UST) and its Board of Directors, the Dean and the Assistant Dean of the UST College of Nursing, and the University Registrar for their alleged unjustified refusal to release the respondents' Transcript of Records (ToR).





His enrolment is void ab initio...

...like the Chief Justice's appointment.



### CHED's power

- cannot award damages

Was respondent enrolled or not? Was his degree obtained fraudulently? If so, why was he permitted by the petitioners to graduate? Was there fault or negligence on the part of any of the parties? Clearly, these are factual matters which can be best ventilated in a full-blown proceeding before the trial court.

#### Can a University revoke the degree conferred?

MISS UNVERSE 211

It was a mistake

## **UP Board of Regents v. Court of Appeals**

Where it is shown that the conferment of an honor or distinction was obtained through fraud, a university has the right to revoke or withdraw the honor or distinction it has thus conferred.
This freedom of a university does not terminate upon the graduation of a student, as the Court of Appeals held. For it is precisely the graduation of such a student that is in question.



♦ An institution of higher learning cannot be powerless if it discovers that an academic degree it has conferred is not rightfully deserved. Nothing can be more objectionable than bestowing a university's highest academic degree upon an individual who has obtained the same through fraud or deceit. The pursuit of academic excellence is the university's concern. It should be empowered, as an act of self-defense, to take measures to protect itself from serious threats to its integrity.

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# Lydia Gelig vs. People of the Philippines

On the day of the commission of the assault, Gemma was engaged in the performance of her official duties, that is, she was busy with paperwork while supervising and looking after the needs of pupils who are taking their recess in the classroom to which she was assigned. Lydia was already angry when she entered the classroom and accused Gemma of calling her son a sissy. Lydia refused to be pacified despite the efforts of Gemma and instead initiated a verbal abuse that enraged the victim. Gemma then proceeded towards the principals office but Lydia followed and resorted to the use of force by slapping and pushing her against a wall divider. The violent act resulted in Gemmas fall to the

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## DIREK ASSAULT

#### TEACHERS ARE DEEMED PERSONS IN AUTHORITY

 Teachers, professors, and persons charged with the supervision of public or private schools, colleges and universities, XXX in the actual performance of their professional duties or on the occasion of such performance are by law deemed as persons in authority.

- And any person who shall attack, employ force, or seriously intimidate or resist any person in authority or any of his agents, while engaged in the performance of official duties, or on occasion of such performance shall be made liable for the crime of Direct Assault under the Revised Penal Code.
- (Arts. 148 and 152 of the Revised Penal Code. See also the case of Gelig v. People, G.R. No. 173150, [July 28, 2010])



### Colegio De San Juan de Letran vs. Isidra Dela Rosa Meris, G.R. No. 178837 September 1, 2014

 $\diamond$ While respondent's motive for increasing the grades of certain students in the Clean Records was not known or could have been noble, the fact is, unauthorized and improper alterations were effected in the official records of petitioner, a clear violation of petitioner's Elementary Faculty Manual as well as the Private School Manual adhered to by petitioners and its faculties. Respondent is deemed to have exercised an unreasonable degree of discretion in failing to provide a concrete basis for increasing the grades of certain students. For this, respondent should be made to face the consequences of her actions. To tolerate such conduct will, indeed, undermine the integrity of petitioner's grading system, and its standing as an academic institution as well.

# Snowpake (sic) Doctrine

Negligence in keeping school or student records, or tampering with or falsification of the same can neither be cured nor corrected by compassion towards the students, because the means does not justify the end.



## Kindergarten entrant age is no small matter

BY JOSEPH NOEL M. ESTRADA ON JANUARY 22, 2018

ANALYSIS

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JOSEPH NOEL M. ESTRADA

ON April 1, 2016, seventy-nine Kidapawan farmers were unjustly arrested and detained. But did you know that at about the same time, seventy-nine kindergarten pupils of Ateneo de Davao University were barred from enrolment by DepEd Region XI despite being admitted by the Ateneo? According to DepEd, the pupils did not meet the age requirement of five years by June 1, 2016 as provided for under D.O. No. 5 series of 2016. I then wrote a position paper to DepEd on



## KIDAPAWAN 79





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## KINDERGARTEN 79



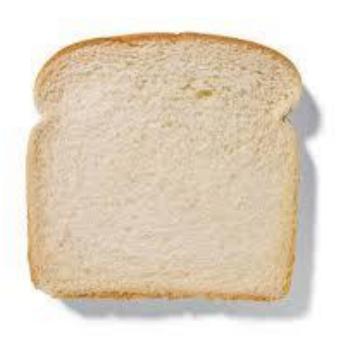
• DepEd Memorandum DM-CI-2017-00454 (Memo 00454) set a cut-off age of five (5) years old by 01 June or August 31 thereby automatically disqualifying children to enroll in any recognized kindergarten school this coming school year 2018-2019.



	:	All Regional Directors DepEd ARMM Secretary All Schools Division/City Superintendents All Regional and Division Coordinators in-charge of Kindergarten All School Heads, Public and Private Elementary Schools
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FROM	:	Undersecretary for Curriculum and Instructio
SUBJECT	£	CLARIFICATORY GUIDELEVENT NUMEROVISIONS OF DEPED ORDER NO. 15 S 2016 J #OMNIBUS POLICY ON KINDERGARTEN EDALLY OF
DATE	:	11 December 1017
The Calleroi	ni nin	units in the provisions & DepEd Order No. 47, s. 2016 shall
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be strictly f 1. Entry and • Entry year and	i on of y age fe s eld by authorit	age of Kindergarten or Kindergarten learners A of h public and private schools must be five (5) June 1 of every school year. However, schools are given the permission by to accept learners who will turn 5 years old until the end of August or
be strictly f 1. Entry and • Entry year and the o be a of the	for a	age of Kindergarten or Kindergarten learners X of h public and private schools must be five (5) of June 1 of every school year. However, schools are given the permission

"Children who start formal school too early may encounter difficulties in meeting the content and performance standards across all developmental domains and experience unnecessary stress that may lead to long-term negative effects such as poor self-esteem, loss of motivation to learn, and mental health problems,"

(Whitebread D. and Coltman P., 2015)



"The child is not the mere creature of the state; those who nurture him and direct his destiny have the right and the high duty, to recognize and prepare him for additional obligations. It is cardinal that the custody, care, and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the State can neither supply nor hinder."

*Pierce v. Society of Sisters*, 268 U.S. 510 at 535. *Prince v. Massachussetts*, 321 U.S. 158 (1944).

## "Without limiting the natural right of parents to rear their children, elementary education is compulsory for all children of school age."

Section 2, Article XIV- Education, Science and Technology, Arts, Culture, and Sports Education, 1987 Philippine Constitution.



## Injunction Case against DepEd





Referred to this Office is the instant verified Petition for Injunction with an Application for Ex-Parte Issuance of Temporary Restraining Order, Status Quo Order and Wint of Preliminary Injunction, filed by petitioners this morning, by coursel, Estrada & Aquino Law, thru Attys. Joseph Noel M. Estrada, Crispin S. Gargino and Willard T. Yung.

Among others, Petitioners claim that: the implementation of DepEd Memorandum DM-CI-2017-00454 (DepEd Memo 454) which provides a cut-off month of June 1 to August 31 for a learner to turn five (5) years old in order to be admitted in the Kindergarten program, will indubitably cause grave and irreparable injury to them as it unjustly infringes upon their clear and unmistakable right to rear their children and direct their education; DepEd Memo 454 allegedly materially and substantially invades Petitioners' rights as parents considering that the latter are being prohibited, without cause, from enrolling their respective child to a Kindergarten course; and that there is an urgent and paramount necessity since the enrollment for Kindergarten learners at the School of the Holy Spirit, Quezon City will start on April 16, 2018 and failure on the part of Petitioners to act upon this petition urgently will put their subject daughters in jeopardy as they will be forced to stop schooling just because their birth months fall after 31 August even though they have demonstrated the competence expected of a kindergarten student, causing them serious psychological and emotional stress in seeing their peers move up a level while they remain stuck in the same level.

WHEREFORE, finding the grounds upon which the application for a 72-Hour Temporary Restraining Order to be impressed with merit, the same is hereby GRANTED. Let a 72-hour Temporary Restraining Order issue enjoining the Department of Education from immediately implementing Memorandum DM-CL-2017-00454.

Let this case be immediately raffled.

SO ORDERED.

Pasig City, April 3, 2018.

DANILO S. CRUZ Executive Judge

## DepEd bends: Will review cut-off age for kindergarten learners



#### Published March 8, 2018, 4:46 PM

#### By Merlina Hernando-Malipot

Following complaints from parents of kindergarten learners and schools adversely affected by the entrant age cut off, the Department of Education (DepEd) will be reviewing data of pupils for "possible inclusion" in the department's Learner Information System (LIS) "upon request."



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## Who are eligible to enroll in Kindergarten and Grade 1 for SY 2018-2019?





## Senate Committee Approves "End of Endo Bill"

Security of Tenure (Art. 294);
Status of Employment (Art. 295);
Probationary Employment (Art. 296); and
Just Causes of Termination of Employment (Art. 297).

At the outset, in recognition of the special employment status of the teaching and non-teaching academic personnel, and their special roles in the advancement of knowledge, the standards and terms and conditions of their employment are actually governed by relevant policies promulgated by the Department of Education; Commission on Higher Education; and the Technical Education and Skills Development Authority for academic personnel in basic education, higher education, and tech-voc education respectively. See Section 32 of B.P. 232 or the "Education Act of 1982".

"IN VIEW OF THE SPECIAL ROLE OF TEACHERS, FACULTY AND ACADEMIC NON-TEACHING PERSONNEL IN THE ADVANCEMENT OF KNOWLEDGE, THE TERMS AND CONDITIONS OF THEIR EMPLOYMENT SHALL BE PRIMARILY GOVERNED BY THE RELEVANT PROVISIONS OF THE MANUAL OF REGULATIONS FOR PRIVATE SCHOOLS IN BASIC EDUCATION; MANUAL OF REGULATIONS FOR PRIVATE HIGHER EDUCATION; AND RELEVANT TESDA POLICIES.

THE PROVISIONS OF THE LABOR CODE SHALL APPLY SUPPLETORILY."





REPUBLIC OF THE PHILIPPINES SUPREME COURT Manila

#### EN BANC

COUNCIL OF TEACHERS AND STAFF OF COLLEGES AND UNIVERSITIES OF THE PHILIPPINES (CoTeSCUP), ET AL., Petitioners, CURDANTIN D.ACADI, ADADASITE Sater P. Liuranas

G.R. No. 216930

- versus -

#### MISLEADING

The Supreme Court also stated in its decision that it is misleading to allege that there is a violation of the constitution for the simple reason that the study of Filipino, Panitikan and the Constitution are actually found in the basic education curriculum from Grade 1 to 10 and senior high school. To be sure, the changes in the GE curriculum were implemented to ensure that there would be no duplication of subjects in Grade 1 to 10, senior high school and college. Thus, the allegation that CMO 20 "removed" the study of Filipino, Panitikan and the Constitution in the GE curriculum is incorrect.



## Any questions?

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