THE TEACHING PROFESSION: RESPONSIBILITY OVER AUTHORITY

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"With great power, comes great responsibility."

This cliché is a truism especially in the teaching profession. We, teachers, are a repository of power so great that our influence is like an ocean that has no shore. The greatness of our power is aptly put in Watts versus Seward School Board (1965), thus:

> *It is to state the obvious that schools, next only to the home, wield a weighty influence upon the students, especially during the latter's formative years, for it instills in them the values and mores which shall prepare them to discharge their rightful responsibilities as mature individuals in society. At the vanguard in nurturing their growth are the teachers who are directly charged with rearing and educating them.*

As teachers, we must be aware of the possession of this great power for only in acknowledging it can we be teachers in the truest sense of the term.

One of the concepts taught to us in Teacher Education Institution is loco parentis. But unlike our shallow understanding of this concept as teachers being substitute parents to students, loco parentis means deeper. In legal contemplation, loco parentis is the special parental authority which the law grants to certain individuals or institutions considering their special relation to students under their instruction, custody or supervision. These individuals include the school, its administrators and teachers, and the entity or institution engaged in child care. What makes parental authority granted by law to these individuals special is its being limited and exercised only while the student is under their instruction, custody or supervision. However, the law extends the exercise of special parental authority and responsibility by the abovementioned individuals to activities undertaken whether outside or inside the premises of the school provided they are authorized by the school, its administrators and teachers, and entity or institution. Article 218 of the Family Code provides:

The school, its administrators and teachers, or the individual, entity or institution engaged in child care shall have special parental authority and responsibility over the minor child while under their supervision, instruction or custody. Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity or institution.

It can be gleaned from this provision that we, teachers, not only exercise special parental authority over our students but responsibility as well. In fact, a careful reading of the provision above-quoted will lead us to the inevitable conclusion that what the word authority stated therein contemplates is liability and not power.

The law specifically prohibits the imposition of corporal punishment to students. Article 233 of the Family Code provides that in no case shall the school administrator, teacher or individual engaged in child care exercising special parental authority inflict corporal punishment upon the child. In Rosaldes versus People, the Supreme Court held that physical maltreatment is prohibited by no less than the Family Code which has expressly banned the infliction of corporal punishment. The Child Protection Policy (CPP) of the Department of Education (DepEd) defines corporal punishment as:

A kind of punishment or penalty imposed for an alleged or actual offense, which is carried out or inflicted, for the purpose of discipline, training or control, by a teacher, school administrator, an adult or any other child who has been given or has assumed authority or responsibility for punishment or discipline.

In other words, teachers' act of inflicting corporal punishment upon students is not justified in the name of exacting discipline.

Infliction of corporal punishment upon a child may be considered as child abuse under Republic Act No. 7610. Section 3, second paragraph of this statute defines child abuse as the maltreatment, whether habitual or not, of the child. In Bongalon versus People, however, the Supreme Court had the occasion to explain that not every instance of the laying of hands on a child

constitutes the crime of child abuse under Republic Act No. 7610. "Only when the laying of hands is shown beyond reasonable doubt to be intended by the accused to debase, degrade or demean the intrinsic worth and dignity of the child as a human being should it be punished as child abuse" (G.R. No. 250671). Otherwise, it is punished under the Revised Penal Code. Similarly, in Bagajo versus CFI, it was held that a teacher, in whipping a student, does not incur criminal liability if said act is done without criminal intent provided that the means used was moderate and that the teacher is not motivated by ill-will, hatred or any malevolent intent. This, however, is independent of any civil or administrative responsibility for such act the teacher might be found to have incurred by the proper authorities. In other words, if it cannot be appreciated as child abuse punished under Republic Act No. 7160, the teacher accused can still be held administratively and civilly liable.

Under the Family Code, persons such as teachers exercising special parental authority and responsibility over a minor child shall be principally and solidarily liable for damages caused by the acts or omissions of the unemancipated minor. Therefore, if a student being inside the premises of the school and is into an authorized activity causes an injury to one of his classmates, the school administrator and the teachers are primarily liable for the damage sustained by the injured classmate. This is in connection with Article 2180 of the Civil Code which provides that the obligation imposed by Article 2176 is demandable not only for one's own acts or omissions, but also for those of persons whom one is responsible. And the parents, judicial guardians or the persons exercising substitute parental authority over a minor child shall be subsidiarily liable. This means that when the school administrators and teachers are insolvent, that is, not able to answer for the damage, those exercising substitute parental authority shall be held liable.

But before we can be held liable for the injury sustained by our students, our negligence must be proved. The Family Code provides that the respective liabilities of persons exercising parental authority and responsibility over a minor child shall not apply if it is proved that they exercised the proper diligence required under the particular circumstance. In St. Mary's Academy versus Carpitanos, the Supreme Court held that when there is a finding of a neglect in preventing a foreseeable injury and damage which equates neglect in exercising the utmost degree of diligence required of schools, its administrators and teachers, and ultimately was the proximate cause of the damage and injury, there is liability. Negligence of teachers or administrators is considered the

proximate cause when between it and the injury, there is no intervention of the negligence of the injured.

Absence in the classroom while the class has an ongoing activity is considered negligence. In St. Joseph College versus Miranda, the Supreme Court ruled that teacher cannot simply deflect his negligence and liability by insisting that he gave specific instructions to his class. That the teacher was not inside the classroom when the incident happened is a clear demonstration of the former's negligence and failure to exercise the requisite degree of care and caution.

By realizing the degree and extent of our power particularly in influencing the youth in terms of inculcating in them values and mores, we can justifiably discharge our solemn duty and magnanimous task to integrate them in society. But said power, no matter how great, does not make us tyrants. It has to be limited by responsibility. Otherwise, we will be capricious; our classroom management, an anarchy.

References:

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Article 218 of the Family Code of the Philippines
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