Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HB No. 388



Introduced by **Rep. Roseller L. Barinaga**

EXPLANATORY NOTE

The proposed bill seeks to provide for a five-year program for the construction of school buildings nationwide.

The backlog of the availability of classrooms and school buildings all over the country is severe. Classroom and school building construction remains critically low and cannot keep pace with growths in enrollment rates. Many towns throughout the country do not have a public high school where elementary and high school children can comfortably study. Numerous barangays do not have public elementary schools. The lack of classrooms and schools makes going to school more costly for parents – and less feasible.

For the period of 1997-2000, enrollment at elementary grew by 1.85% or 228,000 pupils per annum on average and 1.47 or 74,000 students per year at the secondary level. While enrollment increased by 2.51% in 1998, the Department of Education real budget by only 1.7%. Almost 80% of Department of Education budget goes to personal services leaving too little for the purchase of basic inputs leaving too little for construction of classrooms and other basic facilities.

With the enactment of this bill into law, we expect to refocus the Department of Education budget to back to basics in order to provide basic, accessible and affordable education to our countrymen. And with innovative building schemes such as Build-Operate-and-Transfer and through partnerships with the private sector and local government units, additional funds could be sourced in order to ease the severe and critical classroom lacking.

Approval of this bill is, therefore, earnestly sought.

ROSELLER L. BARINAGA
Representative, 2nd District
Zamboanga del Norte

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Introduced by **Rep. Roseller L. Barinaga**

AN ACT TO PROVIDE FOR A FIVE-YEAR PROGRAM FOR THE CONSTRUCTION OF SCHOOLBUILDINGS NATIONWIDE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. This Act shall be known as the "School Building Act of 2004."

SEC. 2. It is the declared policy of the State to establish, maintain, and support a complete, adequate and integrated system of education relevant to the needs of the people/society. Towards this end, it is imperative that there be a complete elementary school in every barangay and a complete high school in every town, in order that primary and secondary education be made available and accessible to all citizens in all geographical areas of the country.

In the choice of location of school buildings, the economic principle of comparative advantage shall always be adhered to.

SEC. 3. For the purposes of this Act, the Department of Education, Culture and Sports (DECS) shall undertake the construction of the following:

(a) Fifteen thousand (15,000) additional classrooms every year for a period of five years, in order to address the classroom backlog in various parts of the country;

(b) One elementary school for every barangay which does not have a public elementary school at the time of passage of this Act; and

(c) One high school for every town which does not have a public high school at the time of the passage of this Act.

Provided, That the Department of Education shall undertake the construction of new school buildings, rehabilitation, replacement, completion and repair of school buildings which targets the current backlog as defined in the National Inventory of School Building shortage. *Provided, further*, That the Department shall finish the construction, rehabilitation, and repair of school buildings under this Act within five years from the passage hereof.

SEC. 4. The Department of Education shall undertake a nationwide annual inventory of schools buildings which will determine the extent of shortage of classrooms in each division *including those which are funded by the local government units, private sector and national* government. The Department shall develop a school building construction work plan for a period of five years which will include the priority areas of construction, rehabilitation and repair of school buildings for the next five years as well as the budgetary requirements needed to implement the work plan.

SEC. 5. The construction, repair, rehabilitation, improvement, or maintenance of school buildings under this Act shall follow the Commission on Audit (COA) rules on simplified public bidding.

SEC. 6. The government shall also encourage the construction of school buildings under this Act through other viable schemes for the construction of school buildings such as build-operate-transfer, build-transfer and other schemes that will fast-track the construction of school buildings.

SEC. 7. An Oversight Committee composed of the Secretary of Department of Education as Chairman, the Chairmen of the Senate and House Committees on Education as Co-Vice Chairmen, and the heads of the Bureau of Secondary Education and Bureau of Elementary Education and the Regional Directors of Department shall monitor the implementation of this Act; *Provided*, That the Oversight Committee shall meet quarterly to determine areas in critical need of additional classrooms and school buildings.

The Department shall establish School Building Task Force at the central, regional and division offices to monitor the construction of the school buildings so as to ensure that the buildings meet the minimum requirements and standards set by the Department.

SEC. 8. The repair, maintenance and rehabilitation of school buildings as well as BOT school building projects shall be exempted from the scope of the election ban on public works.

SEC. 9. Department of Education shall coordinate with local government units (LGUs) where the school building project shall be located, in order to identify priority locations that take into account the number of school age children without access to adequate public school facilities.

SEC. 10. Private individuals, corporations, foundations and civic societies may undertake the construction of school buildings and classrooms in an area within the Region which the Oversight Committee designates as deficient in school buildings and classrooms. The private sector may apply in payment of taxes due from it to the government an amount equivalent to

100% of the school building and classroom construction works it may have undertaken with the prior approval of the Oversight Committee under such terms and conditions as the Oversight Committee may determine and in consultation with other government agencies concerned: *Provided*, That:

(i) the title to all such construction work shall, upon completion, be transferred to the Philippine Government; and

(ii) Should the private sector undertake necessary and major maintenance work on school buildings and classrooms with the prior approval of the Oversight Committee, a similar incentive shall be given to it in an amount equivalent to the cost of such necessary maintenance.

Provided, That in cases where the Oversight Committee may certify that construction of school buildings or classrooms, or the rehabilitation thereof is urgently needed in specific areas, the private sector undertaking the construction or rehabilitation may apply in payment of taxes due from it to the government an amount equivalent to 200% of the construction work it may have undertaken with the prior approval of the Oversight Committee.

SEC. 11. An amount of Fifteen Billion Pesos *(P15, 000.000.000) shall* be set aside for the Emergency School building Fund, which shall be used for classroom construction, repair and rehabilitation for a period of five years as mandated by this Act. An initial amount of Three Billion Pesos (P3, 000,000,000) shall be released to the Department of Education on the first *quarter of the calendar year following the year of the effectivity of this Act, including its notice* its notice of cash allocation to administer the program.

Provided, That the Emergency School Building Fund shall be utilized without prejudice to the annual Department of Education capital outlay provided under the General Appropriations Act. *Provided further*, That the appropriations provided for in this Act shall be used only during the five-year period of the implementation of this Act. *Provided, finally*, That after the five-year period, the funding for the school building program, which targets annual incremental increase in enrollment, shall be taken from the regular Department capital outlay.

SEC. 12. The Oversight Committee shall define the guidelines on how to allocate the Emergency School Building Fund equitably throughout the country: *Provided*, That the primary objective in the use of any allocation shall be to eliminate classroom shortages in a period of five years.

SEC. 13. The Secretary of Department of Education shall file with the Office of the President of the Philippines and with the Senate and House of Representatives a detailed report on the progress of construction of school buildings and classrooms on May 15th of each year.

SEC. 14. The Secretary of Department of Education in coordination with the DBM shall promulgate the implementing rules and regulations necessary for the effective implementation of this Act.

SEC. 15. If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

SEC. 16. All laws, presidential decree, executive orders and letters of instruction contrary to or inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 17. This Act shall take effect upon its publication in the *Official Gazette* or in two newspapers of general circulation.

Approved.