

REPUBLIC OF THE PHILIPPINES
House of Representatives
Quezon City

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 2759



INTRODUCED BY HON. ALAN PETER S. CAYETANO
and HON. EMMANUEL JOEL J. VILLANUEVA

EXPLANATORY NOTE

Section 5 (5) Article XIV of the 1987 Constitution clearly declares that: "The State shall assign the highest budgetary priority to education and ensure that teaching will attract and retain its rightful share of the best available talents through adequate remuneration and other means of job satisfaction and fulfillment."

In actuality, however, it is not education but other items that are given the highest priority. For example, the payment of the government's public debt, has for a number of years, received the highest budgetary priority; it is even being appropriated automatically as prescribed by Section 31 of Presidential Decree No. 1177, as amended. In fact, the Supreme Court, in the case of *Guingona vs. Carague*, 196 SCRA 221 (1991) decided that, "While it is true that under Section 5 (5), Article XIV of the Constitution Congress is mandated to 'assign the highest budgetary priority to education' in order to 'insure that teaching will attract and retain its rightful share of the best available talents through adequate remuneration and other means of job satisfaction and fulfillment', it does not thereby follow that the hands of Congress are so hamstrung as to deprive it the power to respond to the imperatives of the national interest and for the attainment of other state policies or objectives." This ruling was upheld by the Supreme Court in the case of *Philippine Constitution Association vs. Enriquez* when it said that, "This issue was raised in *Guingona, Jr. v. Carague*, 196 SCRA 221 (1991), where this court held that Section 5 (5), Article XIV of the Constitution, is merely directory,..."

This bill therefore seeks to place education into its mandated privilege by declaring that the items on shortages of teachers and classrooms be automatically appropriated.

"No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of laws." (Sec. 1, ARTICLE II, Philippine Constitution). This Constitutional provision may be given equal opportunity and access to quality education.

"The constitutional protection to the right to life is not just a protection of the right to be alive or to one's limb against physical harm. The right to life is also the right to a good life" (p. 41 Bernas, THE CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES, A Commentary). With good education, a person's chance of finding a good job is increased. And if a person has a good job, he will have enough means to provide for his own needs and the needs of his family. With good education, a person can have a better opportunity to build and have for himself a good life.

When those less in life are given good education, they are given a better chance of having equal opportunity with the rich. Despite their humble backgrounds, employment opportunities for them equal those, which are available to rich people. Sadly, however, the past decades have shown that education has become a tool for the rich to become richer and the poor to become poorer. The rich, with their money, are able to buy for themselves good education in exclusive schools. Our poor citizens, on the hand are forced to make do what the public schools can offer them. Given the number of shortages of classrooms and teachers compared to the number of enrollees in public schools each year, the quality of education in our public schools has unfortunately deteriorated.

We cannot argue that the right to have equal opportunity and access to quality education gives spirit to the Constitutional mandate on life, liberty and property. But we cannot give justice to this constitutional right if our laws are lacking in provisions that can give meaning and breath to this Constitutional mandate.

Although education has been declared as a budgetary priority, it falls short of the requirement needed by our educational system. For almost every year, the Department of Education, Culture and Sports has been lamenting about the lack of teachers and of classrooms every time classes open by June every year. The cause of this shortage is ascribed to the ever-increasing number of pupils entering the first grade, which is an offshoot of the country's increasing population. Government inability to respond to this need worsens the situation. Thus, backlog of shortage piles up every year. It was further aggravated when in 1995 a law was passed lowering the school age from seven to six years old.

Behind all these depressing scenarios is a declared principle of the government inscribed in our constitution to establish and maintain a system of free public education in the elementary and high school levels. It even goes beyond be declaring that elementary education should be compulsory for all children of school age (Sec. 2, Art. XIV).

With the situation our educational is right now it is absurd for the government to compel school age children to attend elementary school when it cannot even provide the basic necessity of a school – a teacher and a classroom.

To achieve the state policy of free basic education it is hereby sought that Sec. 31 of P.D. No. 1177, which enumerates items to be automatically appropriated, be augmented so as to include the budget covering the yearly shortages of teachers and classrooms.

A closer glance at Sec. 31 of P.D. 1177 reveals that all those automatically appropriated under the said provisions are items, which are necessary for the sustenance and ensure the survival of our government.

Knowing the importance of the role that the government employees play in our society, expenditures for personnel retirement premiums, government service insurance, and other similar fixed expenditures (Sec. 31 (a), P.D. 1177) are necessary to ensure that persons who work for the government guarantees of obligations which are drawn upon (b) and (c) of Sec. 31, P.D. 1171) need to be automatically appropriated in order to maintain the stability of our economy.

Expenditures for teachers and classroom requirements are also on at least the same level as the above-mentioned items when taken in the light of future benefits an automatic appropriation of such will give us. Automatic appropriation for teachers and classrooms

requirements can ensure a more stable government in the future. The sum that will be automatically appropriated now is form of sacrifice, which are now making in order to build a good future for ourselves. Good education cannot be compromised. Education is always a good investment. The youth who are given good education today will become our leaders tomorrow. And good leaders they will become because we are able to provide quality education to them now. The sacrifices we make in the present in favor of education will reap benefits for us in the future.

While other social services need prioritization due to scarce resources, these concerns can wait as compared to education, which cannot wait. As a general rule, a student cannot go back in time to go to school.

It is high time, therefore, that ~~we~~ bring logic into the present educational policy inconsistencies by seeking approval of this bill.



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AN ACT AMENDING SEC. 31 OF PRESIDENTIAL DECREE NO. 1177,
AS AMENDED, IN ORDER TO INSTITUTIONALIZE THE AUTOMATIC APPROPRIATION
OF THE FUNDS REQUIRED TO COVER THE YEARLY SHORTAGES
OF TEACHERS AND CLASSROOMS

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

Section 1. Section 31 of Presidential Decree No. 1177 is hereby amended to read as follows:

Sec. 31 Automatic Appropriation. – All expenditures for (a) personnel retirement premiums, government service insurance, and other similar fixed expenditures, (b) principal and interest on public debt, (c) national government guarantees of obligations which are drawn upon, (d) **expenditure for teachers and basic education classroom requirements** are automatically appropriated: Provided, That no obligations shall be incurred or payments made from funds thus automatically appropriated except as issued in the form of regular budgetary allotments.

Sec. 31-A. Transitory provision – The shortage at the time of the approval of this amendments shall be spread out over the next three years in accordance with the following percentages and be covered under the appropriation of the current year:

<u>YEAR</u>	<u>% of shortage to be filled in</u>
1	at least 40 %
2	at least 60%
3	at least 80%

On the fourth year following the approval of this amendment, one hundred percent (100 %) of the shortages of the year this amendment was approved and should have been eliminated.

The implementation of this section shall be in accordance with the Roxas Law, Republic Act 7880 – “An Act Providing for the Fair and Equitable Allocation of the Department of Education, Culture and Sports Budget for Capital Outlay”.

Sec. 31-B (1) *Teacher – student ratio* – The number of teachers needed shall be determined by DECS in accordance with acceptable teacher-student ratio. In no case shall the teacher-student ratio be greater than 1:45, one (1) teacher to forty-five (45) students.

(2) *Classroom-student ratio* – The number of classrooms needed shall be determined by DECS in accordance with the acceptable classroom-student ratio. In no case shall the classroom-student ratio be greater than 1:45, one classroom for every forty-five students.”

Section 2. All laws, decrees, executive orders, and letters of instruction inconsistent the provisions of this Act and the Constitution are hereby repealed, superseded and/or modified.

Section 3. This act shall take effect upon its approval.

Approved,