

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 3679



Introduced by **Rep. MAYO Z. ALMARIO**

EXPLANATORY NOTE

Despite the enactment of Republic Act 7880, otherwise known as the *Fair and Equitable Access to Education Act of 1995*, there is a serious shortage of classrooms and school buildings throughout the country. This is a perennial problem of the Department of Education (DepEd) every opening of the school year. This backlog, apparently, happen as government continues to fail and misses its actual target to catch up with the annual demands of constructing public school buildings as a result of increases in enrollment. For instance, the DepEd in its 2004 statistics recorded a shortage of at least 39,383 classrooms for AY 2004-2005 with only 41,121 public elementary and high schools catering to the annually growing 17.8 million school children population. Republic Act 7880 (the so-called Roxas Law) mandates for a 1:45 classroom-student ratio.

The situation has aggravated and become worse when government agencies responsible for the maintenance, rehabilitation and/or repair of public classrooms and/or school buildings appear to be lackadaisical in their effort toward knowing the actual state of public school facilities nationwide.

This proposed bill, therefore, seeks to strengthen the mechanism for the implementation of fair and equitable access to basic education. By providing certain amendments to Republic Act No. 7880, it is envisioned that classroom shortage will finally be cope with in a matter of five years.

Salient features of this bill include the following:

- a) the introduction of build-operate-transfer, build-lease-transfer, build-transfer, rehabilitate-operate-transfer, and other contractual arrangements that will allow the use of both government and private funds to finance the construction of needed school buildings;
- b) the creation of an inter-agency committee to formulate and ensure the effective implementation of the program by the Department of Education;

- c) the institutionalization of an annual inventory of school buildings which will integrate all the necessary information for the effective monitoring and maintenance of existing school buildings;
- d) radical changes in the allocation of appropriation in the annual DepEd budget for capital outlay fifty percent;
- e) the mandatory earmarking of certain percentage from the Special Education Fund (SEF) tax collections as counterpart funds of LGUs for the construction, maintenance, rehabilitation and/or repair of public classrooms and/or school buildings;
- f) the constitution of an oversight committee in the national level which will be tasked to monitor the implementation of this Act and the constitution of 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 DepEd;
- g) the provision for private sector involvement whereby the incentives are appropriately provided for; and
- h) the institutionalization of the reportorial obligations of the DepEd.

In view thereof, immediate passage of this bill is earnestly requested.



MAYO Z. ALMARIO
Representative
2nd District, Davao Oriental

Congress of the Philippines)
Thirteenth Congress)
First Regular Session)

HOUSE OF REPRESENTATIVES

House Bill No. **3679**

Introduced by **Rep. MAYO Z. ALMARIO**

AN ACT

STRENGTHENING THE MECHANISM FOR THE IMPLEMENTATION OF FAIR AND EQUITABLE ACCESS TO BASIC EDUCATION, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NUMBERED SEVEN THOUSAND EIGHT HUNDRED EIGHTY, OTHERWISE KNOWN AS THE “FAIR AND EQUITABLE ACCESS TO EDUCATION ACT” AND FOR OTHER PURPOSES

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

1 **SECTION 1.** Section 2 of Republic Act No. 7880 is hereby amended to read as
2 follows:

3
4 **“SEC. 2 Declaration of Policy.** – It is hereby declared the policy of the State
5 to uphold the primacy of education, to foster patriotism and nationalism, accelerate
6 social progress, and promote total human liberation and development. Accordingly,
7 the State shall [provide for the development of its citizenry as represented by all
8 legislative districts by ensuring them] **ENSURE ITS PEOPLE WITH** fair and
9 equitable access to the infrastructure and tools necessary for quality education
10 **THROUGH THE ESTABLISHMENT, MAINTENANCE AND SUPPORT OF A**
11 **COMPLETE, ADEQUATE AND INTEGRATED SYSTEM OF EDUCATION**
12 **RELEVANT TO THEIR NEEDS. IT SHALL BE INCUMBENT UPON THE**
13 **STATE TO ENSURE THAT BASIC EDUCATION IS MADE AVAILABLE**
14 **AND ACCESSIBLE, AS MUCH AS PRACTICABLE, IN ALL**
15 **GEOGRAPHICAL AREAS OF THE COUNTRY THROUGH A**
16 **COMPREHENSIVE SCHOOL BUILDING PROGRAM THAT WOULD**
17 **MAKE EQUITABLE THE ALLOCATION OF THE DEPARTMENT OF**

1 **EDUCATION'S (DEPED) BUDGET FOR CAPITAL OUTLAY.** Towards this
2 end, the [State shall provide all legislative districts a minimum and continuing level of
3 educational development by establishing an objective mechanism that would make
4 equitable the allocation of the Department of Education, Culture and Sports' (DECS)
5 budget for capital outlay.] **GOVERNMENT SHALL ENCOURAGE THE**
6 **PARTICIPATION OF THE PRIVATE SECTOR IN THE CONSTRUCTION,**
7 **MAINTENANCE, REHABILITATION AND/OR REPAIR OF PUBLIC**
8 **CLASSROOMS AND/OR SCHOOL BUILDINGS UNDER THIS ACT**
9 **THROUGH OTHER VIABLE SCHEMES, TO INCLUDE BUT NOT LIMITED**
10 **TO BUILD-OPERATE-TRANSFER, BUILD-TRANSFER AND SUCH OTHER**
11 **SCHEMES THAT WILL FAST-TRACK THE CONSTRUCTION,**
12 **MAINTENANCE, REHABILITATION AND/OR REPAIR OF PUBLIC**
13 **CLASSROOMS AND/OR SCHOOL BUILDINGS."**
14

15 **Sec. 2.** There is hereby proposed a new section to be inserted as new section 4 to read
16 as follows:
17

18 **"SEC. 4. ANNUAL INVENTORY OF SCHOOL BUILDINGS. – THE**
19 **DEPARTMENT OF EDUCATION (DEPED) SHALL UNDERTAKE A**
20 **NATIONWIDE ANNUAL INVENTORY OF SCHOOL BUILDINGS WHICH**
21 **SHALL DETERMINE THE EXTENT OF SHORTAGE OF PUBLIC**
22 **CLASSROOMS AND/OR SCHOOL BUILDINGS IN EACH DIVISION**
23 **INCLUDING THOSE WHICH ARE FUNDED BY THE LOCAL**
24 **GOVERNMENT UNITS (LGUS), PRIVATE SECTOR AND THE NATIONAL**
25 **GOVERNMENT. THE DEPED SHALL DEVELOP A COMPREHENSIVE**
26 **SCHOOL BUILDING PROGRAM FOR A PERIOD OF FIVE YEARS WHICH**
27 **SHALL INCLUDE THE PRIORITY AREAS OF CONSTRUCTION,**
28 **MAINTENANCE, REHABILITATION AND/OR REPAIR OF PUBLIC**
29 **CLASSROOMS AND/OR SCHOOL BUILDINGS FOR THE NEXT FIVE**
30 **YEARS AS WELL AS THE BUDGETARY REQUIREMENTS NEEDED TO**
31 **IMPLEMENT THE PROGRAM."**
32

33 **Sec. 3.** Section 4 of Republic Act No. 7880 is hereby amended to read as follows:
34

1 “**SEC. [4.] 5.** Allocation of Appropriation. – Notwithstanding any [of the] law to the
2 contrary, the annual [DECS] **DEPED** budget for capital outlay, as defined in Section
3 3(a), shall be allocated among the legislative districts in the following manner:

4
5 “(a) On the first year of the effectivity of this Act:

6
7 “(1) thirty percent (30%) of the total capital outlay to be allocated pro-rata
8 according to each legislative district's student population in relation to the
9 total student population of the country;

10
11 “(2) sixty percent (60%) of the total capital outlay to be allocated only
12 among those legislative districts with classroom shortages as defined in
13 Section 3 (b), pro-rata to the total classroom shortage of the country
14 pursuant to Section 3 (b) as determined by the [DECS] **DEPED**; and

15
16 “(3) ten percent (10%) to be allocated in accordance with the
17 implementation of the policy of this Act as may be determined by the
18 [DECS] **DEPED**.

19
20 “(b) On the second year and every year thereafter:

21
22 “(1) [fifty percent (50%)] **SEVENTY PERECNT** (70%) of the total
23 capital outlay to be allocated pro-rata according to each legislative
24 district's student population in relation to the total student population of
25 the country;

26
27 “(2) [forty percent (40%)] **TWENTY PERECNT** (20%) of the total
28 capital outlay allocated only among those legislative districts with
29 classroom shortages, as defined in Section 3 (b), pro-rata to the total
30 classroom shortage of the country pursuant to Section 3(b) as determined
31 by the [DECS] **DEPED**; and

32
33 “(3) ten percent (10%) to be allocated in accordance with the implementation
34 of the policy of this Act as may be determined by the [DECS] **DEPED**.

1 "TO EFFECTIVELY ENSURE THE IMPLEMENTATION OF THIS ACT,
2 ALL LOCAL GOVERNMENT UNITS SHALL BE MANDATED TO
3 EARMARK TWENTY-FIVE PERCENT (25%) OF THEIR RESPECTIVE
4 ANNUAL COLLECTION OF THE SPECIAL EDUCATION FUND (SEF) FOR
5 THE NEXT FIVE (5) YEARS AND FIFTEEN PERCENT (15%) OF THE
6 SAME FUND EVERY YEAR THEREAFTER AS THEIR COUNTERPART
7 AMOUNT TO THE DEP.ED. BUDGET ALLOCATION FOR THE
8 CONSTRUCTION, MAINTENANCE, REHABILITATION AND/OR REPAIR
9 OF PUBLIC CLASSROOMS AND/OR SCHOOL BUILDINGS: *PROVIDED*,
10 THAT THE HEADS OF THE LGUS CONCERNED ARE CONSULTED
11 TOGETHER WITH THEIR RESPECTIVE CONGRESSIONAL
12 REPRESENTATIVES IN THE PRIORITIZATION OF BARANGAYS WHERE
13 SCHOOL BUILDINGS SHALL BE CONSTRUCTED; *PROVIDED, FURTHER*,
14 THAT THE SELECTION FOR THE CONSTRUCTION, MAINTENANCE,
15 REHABILITATION AND/OR REPAIR OF SUCH PUBLIC CLASSROOMS
16 AND/OR SCHOOL BUILDINGS FOR THE ELEMENTARY SCHOOL IN
17 EVERY BARANGAY IS CONSISTENT WITH THE PROVISION OF
18 SECTION 4 WHICH INSTITUTIONALIZES THE CONDUCT OF ANNUAL
19 INVENTORY OF SCHOOL BUILDINGS; *PROVIDED, FINALLY*, THAT THE
20 SELECTION FOR THE CONSTRUCTION OF PUBLIC HIGH SCHOOL
21 BUILDINGS IN EVERY LGU IS CONSISTENT WITH THE PROVISION OF
22 SECTION 4 WHICH INSTITUTIONALIZES THE CONDUCT OF ANNUAL
23 INVENTORY OF SCHOOL BUILDINGS."

24
25 **Sec. 4.** There is hereby proposed a new section to be inserted as new section 6 to read
26 as follows:

27
28 "SEC. 6. APPROPRIATIONS – THE CONGRESS SHALL APPROPRIATE
29 THE AMOUNT OF THREE BILLION PESOS (PHP3,000,000,000)
30 ANNUALLY FOR FIVE (5) YEARS FROM THE UNAPPROPRIATED
31 INCOME OF THE PHILIPPINE AMUSEMENTS AND GAMING
32 CORPORATION (PAGCOR) FOR THE "EMERGENCY SCHOOL
33 BUILDING FUND" TO ENSURE THE IMPLEMENTATION THIS ACT;
34 *PROVIDED*, THAT THE SAID APPROPRIATED AMOUNT SHALL SOLELY

1 BE USED FOR THE CONSTRUCTION, REHABILITATION,
2 REPLACEMENT, COMPLETION AND/OR REPAIR OF CLASSROOMS
3 AND/OR SCHOOL BUILDINGS AS MANDATED UNDER THIS ACT;
4 *PROVIDED, FURTHER*, THAT THE APPROPRIATIONS PROVIDED FOR
5 UNDER THIS SECTION SHALL BE USED ONLY DURING THE FIVE-
6 YEAR PERIOD OF THE IMPLEMENTATION OF THIS ACT. *PROVIDED*,
7 *FINALLY*, THAT AFTER THE FIVE-YEAR PERIOD, THE FUNDING FOR
8 THE SCHOOL BUILDING PROGRAM, WHICH TARGETS ANNUAL
9 INCREMENTAL INCREASE IN ENROLLMENT, SHALL BE TAKEN FROM
10 THE REGULAR CAPITAL OUTLAY OF THE DEPED.

11
12 THE INITIAL AMOUNT OF THREE BILLION PESOS (PHP3, 000,000,000.00)
13 SHALL BE RELEASED TO THE DEPED ON THE FIRST QUARTER OF
14 THE CALENDAR YEAR FOLLOWING THE YEAR OF THE EFFECTIVITY
15 OF THIS ACT, INCLUDING ITS NOTICE OF CASH ALLOCATION TO
16 ADMINISTER THE PROGRAM.

17
18 THE ABOVE APPROPRIATED AMOUNT SHALL BE UTILIZED WITHOUT
19 PREJUDICE TO THE ANNUAL DEPED CAPITAL OUTLAY PROVIDED
20 UNDER THE GENERAL APPROPRIATIONS ACT.”

21
22 **Sec. 5.** Section 5 of Republic Act No. 7880 is hereby amended to read as follows:

23
24 “SEC. [5.] 7. Use of Allocation. – The total amount allocated herein shall be used
25 exclusively for capital outlay pursuant to the **CONSOLIDATED** educational
26 priorities of the legislative districts **AND THE LGUS CONCERNED**: [as
27 determined by the DECS upon prior consultation with the representative of each
28 legislative district:] *PROVIDED*, THAT ANY DISBURSEMENT TO THAT
29 EFFECT ADHERES TO THE RULES AND REGULATIONS SETFORTH BY
30 THE COMMISSION ON AUDIT AND TO GUIDELINES SETFORTH IN THE
31 NATIONAL INVENTORY OF SCHOOL BUILDINGS PRESCRIBED BY THE
32 DEP.ED., SUBJECT TO THE PROVISION OF SECTION 4 HEREIN:
33 *Provided, FURTHER*, [That the primary objective in the use of any allocation shall
34 be to eliminate classroom shortages if any: *Provided, further*,] That any amounts

1 allocated in accordance with subparagraph (1) of paragraphs (a) and (b) of [the
2 preceding section] **SECTION 5** shall be used only for the acquisition or improvement
3 of school sites, construction of school buildings and classrooms and the purchase of
4 material or equipment that directly aid in education: *Provided, furthermore*, That the
5 amount so appropriated in accordance with subparagraph (2) of paragraphs (a) and (b)
6 of the same section shall be used exclusively for the construction of new school
7 buildings: *Provided, finally*, That if the amount so appropriated in subparagraph (2) of
8 paragraphs (a) and (b) should exceed the amount required to meet classroom shortage,
9 the excess shall be integrated with subparagraph (1) of paragraphs (a) and (b) of the
10 same section excluding capital outlays of division offices, regional and central offices.

11
12 **Sec. 6.** Section 6 of Republic Act No. 7880 is hereby amended to read as follows:

13
14 “**SEC. [6.] 8. Implementing Rules and Regulations.** – The [DECS] **DEPED**, upon
15 prior consultation with the Department of Budget and Management, **THE LEAGUES**
16 **OF CITIES AND MUNICIPALITIES**, shall, **WITHIN A PERIOD OF SIXTY**
17 **(60) DAYS AFTER ITS EFFECTIVITY**, promulgate the necessary rules and
18 regulations for the immediate and effective implementation of this Act [within a
19 period of sixty (60) days after its effectivity]. The [DECS] **DEPED** officials shall
20 submit to the Committees on Finance, and Education [, Arts] and Culture of both
21 Houses of Congress copies of the implementing rules and regulations within thirty
22 (30) days after its promulgation. Any violation of this Section shall render the
23 concerned official liable under Republic Act No. 6713, otherwise known as the "Code
24 of Conduct and Ethical Standards for Public Officials and Employees," and other
25 existing administrative and/or criminal laws.

26
27 **Sec. 7.** There is hereby proposed a new section to be inserted as new section 10 to
28 read as follows:

29
30 “**SEC. 10. OVERSIGHT COMMITTEE.** – **AN OVERSIGHT COMMITTEE**
31 **COMPOSED OF THE SECRETARY OF DEPARTMENT OF EDUCATION**
32 **AS CHAIRMAN, THE CHAIRMEN OF THE SENATE AND HOUSE**
33 **COMMITTEES ON EDUCATION AS CO-VICE CHAIRMEN, AND THE**
34 **HEADS OF THE BUREAU OF SECONDARY EDUCATION AND BUREAU**

1 OF ELEMENTARY EDUCATION AND THE REGIONAL DIRECTORS OF
2 DEP.ED. SHALL MONITOR THE IMPLEMENTATION OF THIS ACT;
3 *PROVIDED*, THAT THE OVERSIGHT COMMITTEE SHALL MEET
4 QUARTERLY TO DETERMINE AREAS IN CRITICAL NEED OF
5 ADDITIONAL CLASSROOMS AND SCHOOL BUILDINGS.

6
7 THE DEP.ED. SHALL CONSTITUTE SCHOOL BUILDING TASK FORCE
8 AT THE CENTRAL, REGIONAL AND DIVISION OFFICES TO MONITOR
9 THE CONSTRUCTION OF THE SCHOOL BUILDINGS SO AS TO ENSURE
10 THAT THE BUILDINGS MEET THE MINIMUM REQUIREMENTS AND
11 STANDARDS SET BY THE DEPED.

12
13 **Sec. 8.** There is hereby proposed a new section to be inserted as new section 11 to
14 read as follows:

15
16 "SEC. 11. PRIVATE SECTOR INITIATIVE, – PURSUANT TO SECTION 2
17 HEREOF, THE PRIVATE SECTOR MAY UNDERTAKE THE
18 CONSTRUCTION, MAINTENANCE, REHABILITATION, REPLACEMENT,
19 COMPLETION AND/OR REPAIR OF SCHOOL BUILDINGS AND
20 CLASSROOMS IN AN AREA WITHIN THE REGION AS DETERMINED
21 UNDER THE GUIDELINES SETFORTH IN THE NATIONAL INVENTORY
22 OF SCHOOL BUILDINGS WHICH SHALL BE PRESCRIBED BY THE
23 DEPED. THE PRIVATE SECTOR MAY APPLY IN PAYMENT OF TAXES
24 DUE FROM IT TO THE GOVERNMENT AN AMOUNT EQUIVALENT TO
25 ONE HUNDRED PERCENT (100%) OF THE SCHOOL BUILDING AND
26 CLASSROOM CONSTRUCTION WORKS IT MAY HAVE UNDERTAKEN
27 WITH THE PRIOR APPROVAL OF THE DEP.ED. UNDER SUCH TERMS
28 AND CONDITIONS AS THE DEPED MAY DETERMINE AND IN
29 CONSULTATION WITH OTHER GOVERNMENT AGENCIES
30 CONCERNED: *PROVIDED*, THAT:

31
32 (i) THE TITLE TO ALL SUCH CONSTRUCTION WORK SHALL,
33 UPON COMPLETION, BE TRANSFERRED TO THE NATIONAL
34 GOVERNMENT; AND

1 (ii) SHOULD THE PRIVATE SECTOR UNDERTAKE NECESSARY
2 AND MAJOR MAINTENANCE WORK ON SCHOOL BUILDINGS
3 AND CLASSROOMS, A SIMILAR INCENTIVE SHALL BE GIVEN
4 TO IT IN AN AMOUNT EQUIVALENT TO THE COST OF
5 MAINTENANCE.”
6

7 **Sec. 9.** Section 9 of Republic Act No. 7880 is hereby amended to read as follows:
8

9 “**SEC. [9.] 13.** Release of Capital Outlays. – The appropriation herein provided for
10 the construction, rehabilitation, replacement, completion and/OR repair of **PUBLIC**
11 **CLASSROOMS AND/OR** school buildings shall be directly released to and
12 administered by the Department of Public Works and Highways based on the work
13 program submitted by the [DECS] **DEPED**: *Provided*, That fifty percent (50%) of the
14 total appropriation for capital outlay shall be released automatically on the first
15 quarter of the calendar year, including its corresponding notice of cash allocation.”
16

17 **Sec. 10.** There is hereby proposed a new section to be inserted as new section 14 to
18 read as follows:
19

20 “**SEC. 14. REPORTORIAL OBLIGATIONS. – THE SECRETARY OF THE**
21 **DEPARTMENT OF EDUCATION (DEPED) SHALL FILE WITH THE**
22 **OFFICE OF THE PRESIDENT OF THE PHILIPPINES AND WITH THE**
23 **SENATE AND HOUSE OF REPRESENTATIVES A DETAILED REPORT ON**
24 **THE PROGRESS OF THE CONSTRUCTION, MAINTENANCE,**
25 **REHABILITATION, REPLACEMENT, COMPLETION AND/OR REPAIR OF**
26 **SCHOOL BUILDINGS AND CLASSROOMS NOT LATER THAN EVERY**
27 **LAST DAY OF EACH YEAR.**
28

29 **Sec. 11.** The numbers of sections affected in the amendments herein are modified
30 accordingly.
31

32 **Sec. 12.** If any provision of this Act is declared unconstitutional, the same shall not
33 affect the validity and effectivity of the other provisions hereof.
34

1 **Sec. 13.** All laws, decrees, orders, rules and regulations, and all other issuances or
2 parts thereof, which are inconsistent with this Act hereby repealed or modified accordingly.

3
4 **Sec. 14.** This Act shall take effect upon its publication in the *Official Gazette* or in
5 two newspapers of general circulation.

6
7 Approved,