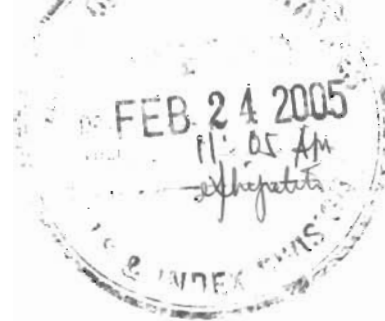


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

First Regular Session

House Bill No. **3815**



Introduced by REPRESENTATIVE EUFROCINO M. CODILLA, SR.

EXPLANATORY NOTE

The following facts are the logical and legal grounds for the amendment of Republic Act No. 8379 to be known as "An Act Separating the New Ormoc City National High School (NOCNHS) in Barangay Don Felipe Larrazabal, Ormoc City, from the Ormoc City School of Arts and Trade (OCSAT), to with:

Republic Act No. 8379 was enacted in 1997 converting the Ormoc City High School in Barangay Don Felipe Larrazabal, Ormoc City, into a School of Arts and Trade, to be known as the Ormoc City School of Arts and Trade, OCSAT for brevity;

Section 2 of the said Republic Act No. 8379 provides that "The School shall offer degree courses in Industrial Arts and Industrial Education. It shall also offer technical and vocational courses which shall be opened to elementary school graduates; Provided, however, that the general secondary curriculum of the Ormoc City High School shall be maintained."

However, a diligent perusal of the said Section 2, R.A. 8379, would readily reveal that its provisions are self-conflicting considering the fact that the "offer of the degree courses in industrial arts and industrial education" partakes of the nature of tertiary or higher education which is under the exclusive jurisdiction of the Commission on Higher Education (CHED) pursuant to R.A. 7722 or the Higher Education Act of 1994; while the maintenance of the general secondary curriculum is under the exclusive jurisdiction of the Department of Education pursuant to Section 2, Article XIV of the New Constitution. And the supervision and/or control of OCSAT is in essence, and by its nature, is indivisible.

The Department of Education cannot fully implement the said R.A. 8379, conformably with Section 4 thereof, not only due to the said conflicting provisions but also due to the fact that more than 4,000 secondary high school students may be greatly affected or dislocated therefrom;

More than 4,000 secondary or high school students that may be, or were already affected or dislocated due to the passage of the said Republic Act No. 8379, thus their right to quality education enshrined under Section 1, Article XIV of the constitution would be or has been violated;

The recognition of the right to quality education imposes upon the State the corresponding duty to protect and promote it. The state must take steps to make quality education at all levels generally accessible or available to all on the basis of capacity by every appropriate means and, in particular, by the establishment and maintenance of free education at least up to the high school level, and not to abolish the Ormoc City National High School as what had happened by the passage of the said R.A. 8379, creating OCSAT;

As could be deduced from the foregoing premises, and in order that the CHED could avail of its authority over the OCSAT pursuant to R.A. 7722, and the DepEd could likewise avail of its authority over the NOCNHS pursuant to Section 2 (2), Article XIV, of the Constitution, and in order further that the rights of the students to quality education enshrined under Section 1, Article XIV of the same Constitution would not be violated, it is imperative and necessary therefore that the said Republic Act No. 8379 be amended accordingly.

Furthermore, the Special Provision No. 9 of R.A. 8760 explicitly provides for the immediate transfer of all secondary schools in state colleges and universities.

A handwritten signature in dark ink, appearing to read 'E. Codilla', is positioned above the printed name.

HON. EUFROCINO M. CODILLA, SR.

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THIRTEENTH CONGRESS

First Regular Session

House Bill No. **3815**

Introduced by **REPRESENTATIVE EUFROCINO M. CODILLA, SR.**

AN ACT
AMENDING REPUBLIC ACT NO. 8379 TO BE KNOWN AS “AN ACT
SEPARATING THE NEW ORMOC CITY NATIONAL HIGH SCHOOL
(NOCNHS) IN BARANGAY DON FELIPE LARRAZABAL, ORMOC CITY
FROM THE ORMOC CITY SCHOOL OF ARTS AND TRADE (OCSAT)

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

SECTION 1. The New Ormoc City National High School (NOCNHS) in Barangay Don Felipe Larrazabal, Ormoc City, Province of Leyte, is hereby separated from the Ormoc City School of Arts and Trade (OCSAT), pursuant to the Special Provision of R.A. 8760.

SECTION 2. Conformably with Section 2(2), Article XIV of the New Constitution, the general secondary curriculum shall be maintained by the New Ormoc City National High School (NOCNHS) which shall be implemented by the Department of Education (DepEd).

SECTION 3. The land covered by TCT No. 23972 with an area of Seventy-Three Thousand Nine Hundred Three (73,903) square meters, all the buildings and permanent improvements thereon, and all other fixed and movable assets owned by the Ormoc City National High School (OCNHS) prior to the enactment of R.A. 8379 shall remain in the full ownership and possession of the New Ormoc City National High School (NOCNHS). And all buildings and other permanent improvements constructed and/or introduced by the OCSAT on the said land shall *ipso facto* belong to the full ownership and possession of the NOCNHS.

SECTION 4. The OCSAT, which is operating under the name of Leyte Institute of Technology – Ormoc City School of Arts and Trade (LIT-OCSAT), and now under the new name of Leyte Institute of Technology – Eastern Visayas State University (LIT-EVSU), shall continue its operation outside the said land covered by TCT No. 23972, and shall construct its own buildings and introduce other permanent improvements on the lands donated by Potenciano and Aniceta Larrazabal Ent. Corporation (PALEC) and Hon. Jose S. Serafica. This shall be implemented by the Commission of Higher Education (CHED) pursuant to R.A. 7722.

SECTION 5. The current respective personnel and funding of the NOCNHS by the Department of Education (DepEd), and the OCSAT (LIT-EVSU) by the Commission of Higher Education (CHED) shall continue respectively.

SECTION 6. The amount necessary for the implementation of this Act shall be charged against the current years appropriations of the NOCNHS and OCSAT (LIT-EVSU) respectively. Thereafter, such sums as may be necessary for the operation and maintenance of the NOCNHS and OCSAT (LIT-EVSU) shall be included in the Annual General Appropriations Act, respectively.

SECTION 7. All laws, degrees, executive orders and other issuances, or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION 8. This Act shall take effect upon its approval.

Approved,