

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila**

**Thirteenth Congress
First Regular Session**

HOUSE BILL NO. 4238



Introduced by Honorable Arthur D. Defensor

EXPLANATORY NOTE

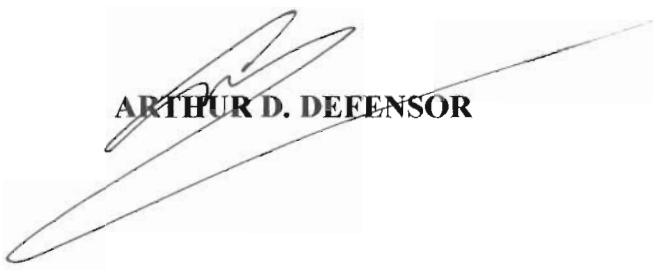
In 1968, Republic Act No. 5447 imposed in addition to the basic real property tax an annual tax of one percent on real property to accrue to the Special Education Fund (SEF).

Trite as it may sound, the teaching profession is a thankless job. The classroom teacher burns the midnight oil correcting examination papers, assignments, projects and reports to preparing lesson plans, computing and recording grades. A professor in the University of the Philippines may be receiving 30 to 50 thousand pesos a month. But consider the large majority of public school teachers with incomes that barely make both ends meet who work under substandard, if not adverse, conditions.

The Special Education Fund offered a welcome relief. The Department of Education had an extra source of funds for education related projects, construction of school buildings, equipment repair, including the payment of salaries and allowances for teachers. The SEF allowed the local government units and their respective school boards some degree of initiative without having to beg from the national government for additional funding.

However, the passage of the Local Government Code of 1991 unwittingly excluded the payment of salaries and allowances of teachers from the SEF. In fact, nowhere in the pertinent provisions of the Local Government Code was mention made of such salaries and allowances.

Technically, the SEF is still good law as the Local Government Code did not expressly caused its repeal. Nevertheless, Section 272 of the Local Government Code is hereby sought to be amended to make it conform to the real intent of the SEF law in the hope that any issue which clouds the utilization of the SEF for the teachers' salaries and allowances may be clearly settled.


ARTHUR D. DEFENSOR

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**AN ACT
EXPANDING THE PURPOSES AND APPLICATION OF THE SPECIAL
EDUCATION FUND (SEF) AMENDING FOR THE PURPOSE SECTION ONE
HUNDRED AND SECTION TWO HUNDRED SEVENTY-TWO OF REPUBLIC
ACT NUMBER SEVENTY-ONE HUNDRED AND SIXTY OTHERWISE
KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991.**

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

SECTION 1. Section 100 of Republic Act No. 7160 otherwise known as the
"Local Government Code of 1991" is hereby amended to read as follows:

"Sec. 100. Meetings and Quorum; Budget. - (a)
The local school board shall meet at least once a month or
as often as may be necessary.

(b) Any of the co-chairmen may call a meeting.
A majority of all its members shall constitute a quorum.
However, when both co-chairmen are present in a meeting,
the local chief executive concerned, as a matter of protocol,
shall be given preference to preside over the meeting. The
division superintendent, city superintendent or district
supervisor, as the case may be, shall prepare the budget of
the school board concerned. Such budget shall be supported
by programs, projects, and activities of the school board for
the ensuing fiscal year. The affirmative vote of the majority

of all the members shall be necessary to approve the budget.

(c) The annual school board budget shall give priority to the following:

(1) Construction, repair, and maintenance of school buildings and other facilities of public elementary and secondary schools;

(2) Establishment and maintenance of extension classes where necessary; and

(3) [Sports activities at the division, district, municipal, and barangay levels.]
PAYMENT OF SALARIES, ALLOWANCES,
AND OTHER BENEFITS OF TEACHERS,
INCLUDING THE CREATION OF TEACHER
ITEMS FOR THE SAID EXTENSION CLASSES,
TEACHING AIDS, AND OTHER
INSTRUCTIONAL MATERIALS."

SEC. 2. Section 272 of the same code is hereby amended to read as follows:

"SEC. 272. Application of Proceeds of the Additional One Percent SEF Tax. - The proceeds from the additional one percent (1%) tax on real property accruing to the Special Education Fund (SEF) shall be automatically released to the local school boards: Provided, That in case of provinces, the proceeds shall be divided equally between the provincial and municipal school boards: Provided, however, That the proceeds shall be allocated for the operation and maintenance of public schools; construction and repair of school buildings, facilities and equipment, PAYMENT OF SALARIES, ALLOWANCES, AND OTHER BENEFITS OF TEACHERS, ESTABLISHMENT AND MAINTENANCE OF EXTENSION CLASSES, INCLUDING THE CREATION OF TEACHER ITEMS FOR SAID CLASSES: PROVIDED, THAT THE HIRING OF TEACHERS THEREFOR SHALL BE IN ACCORDANCE WITH THE SELECTION AND PROMOTION SYSTEM OF THE DEPARTMENT OF EDUCATION SUCH AS RANKING AND LOCALIZATION: PROVIDED, FURTHER, THAT THE TEACHER HIRED SHALL BE PAID A SALARY

EQUIVALENT TO THAT RECEIVED BY A
NATIONALLY PAID SCHOOL TEACHER:
PROVIDED, FURTHERMORE, THAT THE SAID
TEACHER SHALL BE ENTITLED, WHENEVER
POSSIBLE, TO THE SAME ALLOWANCES RECEIVED
BY THE LATTER; educational research, TEACHING
AIDS, AND OTHER INSTRUCTIONAL MATERIALS
[purchase of books, periodicals, and sports development] as
determined and approved by the Local School Board."

SEC. 3. All laws, decrees, executive orders, regulations and ordinances
inconsistent herewith are hereby repealed, amended or modified accordingly.

SEC. 4. This Act shall take effect upon its approval.

Approved,