

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



HOUSE OF REPRESENTATIVES
House Bill No. 5495

Introduced by Honorable Anna York Puyat Bondoc, M.D.

**AN ACT GOVERNING THE SYSTEM OF PRESCHOOL EDUCATION,
PRESCRIBING STANDARDS FOR THE ESTABLISHMENT AND REGULATION
OF PRESCHOOL FACILITIES AND SERVICES AND FOR OTHER PURPOSES**

The critical years in a child's life are from birth to six years of age. An issuance by the Department of Education as early as 1989 puts it most accurately:

"During these critical years, basic character, values, abilities, personality, skills, aptitude, attitudes and knowledge are formed. These qualities when properly developed shape the individual's overall perspective and preparedness for life. It has been confirmed by studies that the experiences and the learning that preschool children undergo during the first six years of their life have a lasting effect on their intellectual development as well as on the development of their social and physical skills." (DECS Order No. 107, s. 1989)

Notwithstanding its acknowledged importance in early childhood development, preschool is not considered part of the formal educational ladder. At best, it is casually subsumed by the Education Act of 1982 under the umbrella of Elementary Education, the first stage of compulsory, formal education primarily concerned with providing basic education.

As the government cannot afford to operate and maintain preschools throughout the country, private sector participation steps in to fill this void. While preschool education is not a required component of the formal education structure, a considerable number of facilities offering preschool services, legitimate or otherwise, has been established. The growing number of preschools gives rise to a number of substantial concerns – the quality of preschool education offered, its rising cost, and the safety of children at the premises of preschool facilities, among others.

Despite the issuance by the Department of Education of several orders prescribing standards for the establishment of preschools, there remains no established system governing and regulating preschool education in the country, prescribing strict standards for the establishment and operation of preschools, and penalizing failure to observe the required standards for maintaining a preschool. Absent the necessary systems and safeguards to promote quality preschool education, to ensure the safety of children within preschool premises, and to temper the rising cost of preschool education, the standards prescribed by the Department of Education for the organization and operation of preschools are at best discretionary.

In view of the foregoing, the immediate passage of this bill is sought.

Anna York Puyat Bondoc
ANNA YORK PUYAT BONDOC, M.D.

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

HOUSE OF REPRESENTATIVES
House Bill No. 5495

Introduced by Honorable Anna York Puyat Bondoc, M.D.

**AN ACT GOVERNING THE SYSTEM OF PRESCHOOL EDUCATION,
PRESCRIBING STANDARDS FOR THE ESTABLISHMENT AND REGULATION
OF PRESCHOOL FACILITIES AND SERVICES AND FOR OTHER PURPOSES**

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

**Chapter I.
TITLE AND DECLARATION OF POLICY**

SECTION 1. *Short Title and Scope.* – This Act shall be known as the
“*Preschool Education Act of 2006.*”

SEC. 2. *Declaration of State Policy.* – It is hereby declared the policy of the
State, acknowledging the vital role of children in nation building, to uphold their best
interests and to promote and protect their physical, moral, spiritual, intellectual and
social development and well-being.

The State recognizes the importance of early childhood development and the
role it plays in achieving the country's educational goals and objectives. The State
further recognizes that preschool education is a fundamental component of early
childhood development and is a necessary means to ensure that a child, one of the
most important assets of the nation, acquires the essential educational foundation for
his/her development and to attain his/her fullest potential as a human being.

The State commits to uphold the rights of children to access quality education and to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty and exploitation, and other conditions prejudicial to their development. As such, the State shall promote and safeguard the welfare of children and uphold their best interests by encouraging the establishment of quality preschool education through the definition of standards for the organization and operation of preschool facilities and services in the country.

SEC. 3. *Definition of terms.* – The terms used in this Act are defined as follows:

- a. “Bureau” – Bureau of Elementary Education;
- b. “Child Abuse” – refers to Section 3(b) of Republic Act No. 7610, the “Special Protection of Children Against Abuse, Exploitation and Discrimination Act”, and all other forms of abuse and neglect referred in the same law;
- c. “Department” – Department of Education;
- d. “Educational services” – include, but are not limited to, the provision of programs and activities to children that focus on any of the following areas of development: physical, personal-social, affective, cognitive and creative-aesthetic.
- e. “Owner” – refers to the person, natural or juridical, who owns, operates or stands as the proprietor of a preschool, whether or not a permit to operate the same has already been granted him/her. The owner may be the operator or proprietor of existing educational institutions that may be offering elementary, secondary and/or post-secondary education.

f. “Preschools” – pre-elementary facilities or services, including but not limited to early learning centers, nurseries, kindergarten schools, playgroups and similar facilities that primarily provide educational services for preschool children.

g. “Preschool children” – children six (6) years or below who qualifies for admission and enrollment in preschool facilities or services offering preschool education.

h. “Preschool personnel” – collectively refers to the owner, director, teachers and para-professionals working in a preschool, whether or not for compensation.

Chapter II. COVERAGE

SEC. 4. Coverage. – A preschool shall be covered by this Act if it provides primarily educational services to four (4) or more children from different families, other than the immediate family of the owner, at any one time:

1. Age six (6) years or younger;
2. On the average of less than twelve (12) hours per day but more than two (2) hours per week;
3. For compensation, either directly or indirectly;
4. On a regular basis; and
5. In lieu of parental supervision.

Schools or educational institutions providing elementary, secondary and post-secondary education, that also offer preschool services shall also be governed by this Act provided the requisites in the immediately preceding paragraph are present.

A preschool, entity or organization contracted by the government as its partner in the Preschool Service Contracting Scheme ("PSCP") of the Department shall not be covered by this Act when its delivery of educational services are solely devoted to the implementation of the PSCP.

Chapter III. ESTABLISHMENT AND LICENSING

SEC. 5. *Establishment of and permit to operate preschools.* – All preschools shall be established in accordance with law. The operation of any preschool shall be subject to the prior authorization of the government. No preschool shall operate without applying for and obtaining a permit, whether provisional, probationary or operating, from the Department.

SEC. 6. *Who may apply for a permit to operate.* – The owner of the preschool shall file the application for a permit to operate a preschool.

The owner of the preschool must have the following qualifications:

- a. Possess a college degree in a discipline allied to education with at least eighteen (18) units of preschool education course; and
- b. Not have been convicted of any crime involving child abuse, sexual abuse or any other crime committed against children.

If the owner of the preschool is a juridical entity, the President of such entity must possess the above-prescribed qualifications.

The Department has the discretion to impose additional qualifications before a person may be able to apply for and be granted a permit to operate a preschool.

SEC. 7. *Minimum requirements for application.* – The Department shall not issue a permit to operate a preschool until the following documents and information are submitted:

- a. A complete application form, which includes a list of all the preschool personnel, including volunteers and substitutes; and the list of household members as prescribed in Section 9 herein, if applicable;
- b. The draft preschool curriculum or program to be implemented;
- c. Inspection reports showing compliance with all safety rules issued by the local government unit;
- d. Certification showing completion of pre-licensing inspections as prescribed in Section 10 herein;
- e. The Tax Identification Number of the owner of the preschool; and
- f. A Statement of Legal Background.

The owner shall sign the application for a permit to operate the preschool under oath to certify that all its contents and attachments are true and correct.

SEC. 8. *Statement of legal background.* – The owner of the preschool shall submit a Statement of Legal Background signed under oath and dated by the each member of the preschool personnel, age eighteen (18) and older, which includes the following information:

- a. Arrests related to crimes committed against children;
- b. Convictions;
- c. Pending criminal charge/s; and
- d. Current parole or probation status.

A preschool shall not employ any person convicted of any crime of child abuse or relating to sexual abuse. The owner shall report to the Department or any of its Regional Offices any arrest or conviction of, or criminal charge/s filed against its personnel.

This Statement of Legal Background must include all contacts of the preschool personnel with law enforcers, whether or not such contacts have resulted to prosecution.

SEC. 9. *Household members.* – If the preschool is located within a private residence, the director shall submit the names of all household members eighteen (18) years old or above.

SEC. 10. *Pre-licensing.* – After the filing of the application for a permit to operate, each preschool shall be subjected to pre-licensing inspections before it can begin operation.

SEC. 11. *Display of permit.* – The owner shall, at all times, display the provisional, probationary, or operating permit in a prominent place clearly visible to the parents and the public.

SEC. 12. *Licensed capacity.* – The permit shall indicate the licensed capacity of the preschool to operate. The preschool shall not exceed its licensed capacity during the period of effectivity of the granted permit. An increase in the capacity shall require another application for a new permit to operate.

SEC. 13. *Changes in permit.* – If a substantial change in the permit to operate is needed, the owner must submit a new application.

SEC. 14. *Operation without permit.* – The operation of a preschool without authorization, or operation of a preschool in violation of the permit granted, are declared punishable violations subject to the penalties provided in this Act.

SEC. 15. *Strict compliance of standards.* – Each preschool shall meet the standards in this Act and all requirements prescribed by the implementing rules of this Act and other administrative regulations and order issued by the Department or Bureau, under pain of penalty of the preschool owner and all other preschool personnel responsible for the failure to comply with these standards.

Chapter IV. PRESCHOOL PROGRAM

SEC. 16. *Preschool curriculum or program.* – Each preschool shall implement a well-planned curriculum and a relative program of activities aimed at attaining and ensuring the holistic development of the child.

The curriculum or program to be offered by each preschool must be consistent with the standards and guidelines prescribed in this Chapter, the rules and regulations implementing this Act and all subsequent standards set by the Bureau in its pertinent orders and issuances.

SEC. 17. *Developmentally appropriate experiences.* – A preschool program shall incorporate the use of developmentally appropriate experiences in cognitive, communication, social, physical, and emotional development as well as creative expression. The preschool program shall assist the children to develop their intra-personal and interpersonal skills and to maximizing self-management and independence.

The program shall also include appropriate learning activities and teaching techniques in accordance with each child's level of comprehension and maturation.

SEC. 18. *Physical development.* – A preschool program shall develop the gross and fine motor coordination of a child through play and manipulative activities like games, simple work and those that develop physical fitness, and through:

- a. Adequate indoor and outdoor space pursuant to Chapter V of this Act;
- b. Developmentally appropriate materials and equipment, in sufficient quantity to allow choice, and providing supervised time for children to use large and small muscles to increase their physical skills;
- c. Appropriate guidance while children use equipment and materials that promote children's physical growth;
- d. Developmentally appropriate information about health as an integral part of program activities.

SEC. 19. *Personal-social development.* – This involves skills and behaviors pertaining to independence and social behavior. It includes development of health habits and independence in dressing, eating, sleeping and toileting, relating with teachers, peers and other people through group play and/or interaction. It also deals with the development of ability to follow rules and routines. Learning about the family and other people like the community helpers is part of the concerns in this area.

Each preschool program shall promote the development of social skills and social interactions by providing positive guidance with consistent, clear rules presented in developmentally appropriate ways; and positive adult and peer role models, focusing on the level of the child.

SEC. 20. *Supportive emotional and social environment.* – The program shall promote affective development through experiences that help children develop

love for self, others and community. The program shall provide a supportive social and emotional climate that:

- a. Enhances children's understanding of themselves as individuals, and in relation to others, by providing for individual, small group, and large group activities;
- b. Gives children many opportunities for success through developmentally appropriate program activities; and
- c. Provides an environment of acceptance that helps each child develop a positive self-concept, enhance his or her individual strengths, build ethnic pride, and facilitate social relationships.

The program shall also help the children develop awareness of their feelings and sense of right and wrong.

SEC. 21. *Intellectual and cognitive development.* – The preschool program shall include activities that promote the development of intellectual skills particularly in the areas of communication skills and sensory-perceptual and numeric concepts and skills by:

- a. Encouraging children to solve problems, initiate activities, explore, experiment, question, and gain mastery through learning by doing concrete experiential learning;
- b. Promoting language understanding and use in an atmosphere that encourages each communication among children and between children and adults;
- c. Utilizing a curriculum in which a variety of skills are integrated into activities targeted toward the interests of children;

- d. Encouraging children to organize their experiences and understand concepts;
- e. Utilizing a language experience approach to introduce printed materials according to the individual developmental level of the child; and
- f. Providing a daily balance of activities in the following dimensions:
 - 1. Indoor and outdoor;
 - 2. Quiet and active;
 - 3. Individual and group;
 - 4. Large and small groups;
 - 5. Child and staff initiated; and
 - 6. Structured and spontaneous.

SEC. 22. Staff-child ratio. All preschools shall maintain the following staff-child ratio:

Age Range of Children (at the time of enrollment)	Number of Staff	Number of Children
6 weeks – 18 months	1	4
18 months & 1 day – 3 years	1	6
3 years & 1 day – below 4 years old	1	10
4 – 6 years	1	12

Only the personnel directly involved with the immediate care and teaching of children shall be considered in determining the staff-child ratio.

Compliance with staff-child ratio shall be determined on a preschool-wide, and not on a per classroom basis.

SEC. 23. Medium of instruction. – Each preschool may use English, Filipino and/or any dialect as the medium of instruction, provided such medium shall promote

the child's ability to express him/herself and shall facilitate the adjustment and learning process of the child.

SEC. 24. *Parental Involvement.* – Preschools shall allow active parental involvement in the program. Consideration of the different types of family structures, such as those with single parenthood, adoption, foster care and extended family, shall be made when planning activities.

At least the following opportunities of involvement shall be made available to parents:

- a. Participation in classroom and other preschool activities as volunteers or observers;
- b. Parent training, education or other activities that parents helped develop;
- c. Working with the child in cooperation with preschool personnel;
- d. Meeting with preschool personnel and other appropriate staff regarding the child's individual needs and progress or other systems of communication developed with the parent; and
- e. Periodic home visits by preschool staff.

Chapter V. PHYSICAL ENVIRONMENT

SEC. 25. *Adequate facilities and appropriate physical environment.* – All preschools shall ensure that the children enrolled are provided with adequate facilities and given the appropriate physical environment.

The owner and director shall ensure that:

- a. All facilities within the preschool premises, including the floors, walls and ceilings, and other areas not considered when computing activity space under Section 26 are clean and maintained in good repair;
- b. There is at least one toilet seat for every twenty-five (25) children at one time;
- c. Toilet facilities are cleaned and disinfected daily and conveniently located for access of the children;
- d. A working telephone is available on the preschool premises;
- e. Sufficient water supply is available to the children during hours of operation; and
- f. The sewage and garbage facilities in the preschool premises are clean and that all garbage and refuse is properly disposed to prevent the development of health hazards for the children.

SEC. 26. Activity space. – Each preschool must have a minimum lot area of five hundred (500) square meters. The area may be divided into a minimum of one hundred forty (140) square meters for the classroom or indoor activity space and three hundred sixty (360) square meters for the playground or outdoor activity space. This area is only good for not more than four (4) classes.

Toilets, kitchens, passageways, storage space, cabinets and other spaces not used to directly deliver educational services as defined in this Act shall not be considered when computing activity space.

The activity space shall be arranged so that children may work individually, together in small groups, and in a large group. Space shall be arranged to provide clear pathways for children to move from one area to another.

The owner and director shall ensure that the indoor activity space is well ventilated, and all rooms are adequately lit.

SEC. 27. *Outdoor activity space.* – Space for playground or outdoor activities must be provided; otherwise, easy and safe access to the nearest park or open space not more than two hundred (200) meters walking distance from the school site may be presented as an alternative. This arrangement must be approved in writing by the authorized representatives of the park or open space.

The owner and director shall ensure that the preschool complies with the following regulations with regard to outdoor activity space used by the children:

- a. If there are unsafe areas such as drainage ditches, open storm sewers, wells, holes, railroad tracks, or heavy street traffic in or near the outdoor play area, a fence must be provided. The fence must be at least three feet high, free from sharp, hazardous edges, in good repair, and of sufficient construction to keep animals and intruders out;
- b. Pets, if present, must be physically controlled or restrained, and proof of vaccination shall be available for cats and dogs; and
- c. The grounds must be kept neat and clean, free from insects and rodents, and properly sloped or drained to prevent stagnant water collection.

The use of the nearest park or open space, instead of a playground within preschool premises, as outdoor activity space does not excuse the owner and director from ensuring that the above regulations are met.

SEC. 28. *Non-residential use.* – The school site must be used for educational purposes only. While it may be located within residential premises, the preschool area must not be use for residential purposes.

The preschool area shall not be a “convertible school,” that is, during the day, it is used as a school and after class hours converted into a residence or used for commercial purposes.

SEC. 29. Developmentally appropriate materials and equipment. – The furniture, equipment and materials to be used in a preschool shall be of sufficient quantity, quality and variety to meet the needs of the children and shall be arranged in a way as to facilitate learning, assure a balanced program of spontaneous and structure activities, and encourage self-reliance in the children.

The equipment and materials to be used shall be;

- a. Consistent with the specific educational objectives of the preschool program;
- b. Consistent with the cultural and ethnic background of the children;
- c. Geared to the age, ability, and developmental needs of the children;
- d. Safe, durable, and kept in good condition;
- e. Stored in a safe and orderly fashion when not in use;
- f. Accessible, attractive, and inviting to the children; and
- g. Designed to provide a variety of learning experiences and to encourage experimentation and exploration.

SEC. 30. *Provision of safe environment.* – All preschools shall have an environment free from hazards to the health and safety of the students and that there are adequate safety measures for any emergencies such as accessible exits, firefighting equipment, and the like. The owner and director shall further ensure that:

- a. The preschool premises are free from potential accident hazards such as diggings, uncovered wells, broken glass, boards containing nails, open electric wires, unsafe outlets and other debris must be eliminated;
- b. Accident hazards, such as flammable materials, deep pools, farm and lawn equipment, must be inaccessible;
- c. First aid kits are available at all times;
- d. Medications in the preschool premises are stored separately under lock and key;
- e. Separate locked storage is provided for insecticides, cleaning, polishing, and sanitizing agents, and any other poisons kept in the licensed area to operate the preschool. These poisons must be kept separate from food items and inaccessible to children in the licensed area;
- f. Deep freezers and other containers with self-locking latches are locked or stored in a locked room;
- g. All food served to the children is protected from contamination at all times, including while being stored, prepared, displayed, served, or transported;
- h. All food service equipment, utensils, preparation area, and nonfood contact surfaces are cleaned after each use. This includes proper washing, rinsing, sanitizing, air-drying, and storage. All surfaces must be maintained in good repair; and
- i. Weapons and ammunition are contained in locked storage.

SEC. 31. *Additional requirements on facilities and physical environment.*

- The Bureau may impose additional requirements on the provided facilities and

physical environment with due observance of the minimum standards prescribed in the immediately preceding sections of this Act.

Chapter VI. QUALIFICATIONS OF PRESCHOOL PERSONNEL

SEC. 32. *Preschool personnel.* – Each preschool shall have the following types of personnel:

1. Director;
2. Teachers, and
3. Paraprofessionals.

For purposes of this Act, the owner of the preschool, if he/she has contact with the children in the preschool shall be considered part of the preschool personnel.

SEC. 33. *Director.* – The Director plans, implements, supervises, monitors or evaluates a school program. He/she must possess the following qualifications:

- a. College degree in a discipline allied to education with at least eighteen (18) units of preschool education course;
- b. Preferably with a masters degree in education; and
- c. At least two (2) years of very satisfactory work experience in a school setup.

The Director's experience in preschool teaching with very satisfactory performance may, at the discretion of the Bureau, be considered in place of the preschool education course units required.

SEC. 34. *Teacher.* – The Teacher is directly involved in handling preschool children. He/she must possess any of the following qualifications:

- a. Bachelor of Science degree with specialization in Family Life and Child Development or Early Childhood Education or Kindergarten;
- b. Bachelor of Science in Elementary Education with eighteen (18) units in Preschool Education and fifty-four (54) hours of practicum in preschool classes; or
- c. Bachelor of Arts/Science degree in a discipline allied to education, arts, nursing, or anthropology with eighteen (18) units of preschool education.

Upon appointment, the teacher should have at least six (6) units of preschool education. The requirement of eighteen (18) units may be gradually implemented as follows:

- At the end of Year 1 - nine (9) units
- Year 2 - twelve (12) units
- Year 3 - fifteen (15) units
- Year 4 - eighteen (18) units

SEC. 35. *Para-professional.* – The para-professional, taken in as a teacher-aide, teacher-helper or assistant teacher, must be at least:

- a. Be a high school graduate; and
- b. Has attended training in preschool for at least one hundred twenty (120) hours with a certificate from a recognized training institution or professional organization.

SEC. 36. *Personnel for emergency.* – At all times, a program shall have a staff person on the premises who is trained in emergency first aid and cardiopulmonary resuscitation.

Chapter VII.
OBLIGATIONS OF THE PRESCHOOL PERSONNEL

SEC. 37. *General responsibilities.* – Each member of the preschool personnel shall:

- a. Promote and protect the physical, moral, intellectual and social well-being of each child;
- b. Provide the children proper care and nutrition;
- c. Take all measures to protect the children from all forms of neglect, abuse, cruelty and exploitation, and other conditions prejudicial to their development;
- d. Ensure that the standards prescribed in this Act and in all rules and regulations issued pursuant to this Act are properly observed;
- e. Perform his/her duties in accordance with the policy declared and the responsibilities prescribed in this Act; and
- f. Uphold the best interests of each child.

SEC. 38. *Academic responsibilities.* – Each member of the preschool personnel is also responsible to:

- a. Improve him/herself professionally by keeping abreast of the latest trends and techniques in preschool education and/or childcare;
- b. Assume, promote and maintain an atmosphere conducive to the child's learning; and

- c. Be knowledgeable of the rights of the child as provided in the Convention on the Rights of the Child and existing laws and uphold these rights in the performance of their respective duties.

SEC. 39. Adequate supervision. – The member/s of the preschool personnel designated by the owner to take charge of the children shall have the responsibility of providing adequate and appropriate supervision at all times children are in attendance.

The preschool personnel considered as part of the staff-child ratio under Section 22 of this Act shall have knowledge of where each child in attendance is at all times and be within hearing distance of all children.

Any member of the preschool personnel shall at all times accompany the preschool children during outdoor play.

Evidence of negligent or willful lack of supervision is a basis for suspension or revocation of the preschool's permit to operate, without prejudice to the imposition of other penalties and liabilities as prescribed in Chapter XI of this Act.

SEC. 40. Discipline of children. – No preschool personnel shall spank, slap, pinch, punch, shake, strike with any object, handle roughly, bite or inflict any form of physical punishment on the child as a means of imposing discipline.

The child shall also not be disciplined through any of the following means:

- a. abusive or profane language;
- b. denial of food;
- c. forced napping;
- d. subjection to derogatory remarks about the child or his/her family;
- e. threats of physical punishment;

- f. yelling or screaming; or
- g. any other form of discipline similar to the foregoing.

SEC. 41. *Report child abuse.* – Any member of the preschool personnel who has reason to believe that child abuse may be occurring in the preschool, in the child's home, or elsewhere, or that a child is subjected to unauthorized child labor, shall under penalty of law, immediately file a report with the Department of Social Welfare and Development.

SEC. 42. *Overall obligation.* – Unless otherwise provided herein, compliance with all standards imposed by this Act and the rules and regulations issued pursuant thereto, shall be the responsibility of the owner of the preschool. Failure to comply with these standards shall merit the imposition of liabilities and penalties on the owner as provided in this Act, without prejudice to the imposition of liability against any other member of the preschool personnel if shown to be negligent in any manner.

Chapter VIII. FEES, CONTRIBUTIONS AND DONATIONS

SEC. 43. *School fees.* – Each preschool shall determine its rate of tuition and miscellaneous fees and other charges. The fees and other charges imposed by preschools pursuant to this provision, and their application or use shall be subject to the rules and regulations issued by the Department.

All applications for permit of new preschools must include information on the initial or basic tuition and miscellaneous fees and other charges.

SEC. 44. *Authority to limit fees.* – The Department has the authority to limit the fees charged by preschools under Section 43 upon its determination, based on

pre-established objective standards, that the fees charged are arbitrary, excessive and onerous.

The pre-established standards to determine if fees charged are arbitrary, excessive and onerous may relate to indicators such as profit margins and rates of increase. Qualitative factors such as the improvement of facilities, qualifications of teaching and non-teaching personnel and quality of curriculum offered may also be considered together with the quantitative factors in determining if fees charged by preschools are justified.

SEC. 45. *Contributions and solicitations.* – No preschool shall require collection or receipt from students, directly or indirectly, contributions of any kind or form, or for any purpose as a precondition to continued admission of the child or his/her completion of the program.

SEC. 46. *Gifts or donations to preschools.* – Notwithstanding the provisions of law to the contrary, all gifts or donations in favor of any preschool shall be subject to taxes prescribed by the National Internal Revenue Code.

SEC. 47. *Receipts.* – Each preschool shall issue receipts for all fees, charges and contributions received in the course of its operations.

SEC. 48. *Report of financial performance.* – The owner of each preschool when renewing their application for a permit to operate shall submit to the Bureau a copy of the financial performance of the preschool for the immediately preceding year, or for a longer period as prescribed by the Bureau.

The financial report shall clearly indicate the amounts collected or received during the prescribed period from tuition and miscellaneous fees and other charges, contributions and solicitations, and gifts and donations to the preschool.

Chapter IX. NON-DISCRIMINATION

SEC. 49. *Non-discrimination in admission.* No child shall be refused admission in a preschool on the basis of legitimacy or illegitimacy, sex, social status, religion, political antecedents, and other factors. As such, all preschools shall not require the submission of any of the following documents to permit admission or enrollment:

- a. Marriage certificate of parents;
- b. Baptismal certificate of the child;
- c. Income tax returns of parents/guardians; and
- d. All other documents solely intended to identify the child's legitimacy or illegitimacy, sex, social status, religion, political antecedents, and other similar factors.

The policy against non-discrimination shall be read in consonance with the principles of religious freedom in cases where the entity operating the preschool is a religious institution.

SEC. 50. *Atmosphere of tolerance and acceptance.* – All preschools shall promote an atmosphere of acceptance and tolerance. No child shall be disadvantaged, treated differently or discriminated in any manner in a preschool on the basis of the factors described in the preceding section.

Chapter X. IMPLEMENTING AND RULE-MAKING AUTHORITY

SEC. 51. *Administrative authority.* – The Department is charged with the administration and enforcement of this Act, through the Bureau, with the assistance of the Regional Offices of the Department.

SEC. 52. *Implementing rules and regulations.* – The Department will formulate the Implementing Rules and Regulations (IRR) of this Act, as well as all subsequent rules, regulations, department orders and issuances necessary for the effective implementation of this Act

The Department, in drafting the IRR of this Act, shall consult with the Department of Health and the Department of Interior and Local Government and will promulgate the IRR within thirty (30) days from the effectivity of this Act.

The IRR will define, in accordance with the standards prescribed in this Act, the system of providing and conditions for the grant of said permit, and for its cancellation and withdrawal, and other related matters. Such rules and regulations shall take effect upon their publication in two (2) national newspapers of general circulation.

SEC. 53. *Powers and responsibilities of the Bureau.* – The Bureau has the following powers and responsibilities under this Act:

- a. Develop, formulate and evaluate policies, programs, projects and educational standards for preschool education in the country;
- b. Develop prototype curricular designs, instructional materials, prepare and teacher training programs for preschool education;
- c. Determine the form and contents of the application for registration of preschools;
- d. Evaluate applications for permit to operate preschools and approve the granting of such permits;
- e. Monitor and enforce the strict compliance of this Act;

- f. Monitor the fees imposed by preschools, approve increases in fees to be collected and impose limits to the imposition of fees, when justified;
- g. Promote the development of preschool facilities and services in the country;
- h. Provide technical assistance to encourage the development of quality preschool education;
- i. Conduct studies and formulate, develop and evaluate programs and educational standards for preschool education;
- j. Compile, analyze and evaluate data on preschool education, including but not limited to male-female ratios, teacher-student ratios, fees collected, geographical distribution;
- k. Recommend policies to the Department on the management of the system of preschool education in the country and the continuing evaluation and improvement thereof;
- l. Recommend and study legislation proposed on preschool education; and
- m. Perform other functions provided for by law.

Chapter XI. LIABILITIES AND PENALTIES

SEC. 54. *Unauthorized operation of preschool.* – Any person operating a preschool as defined in this Act without any permit or authority from the Bureau shall suffer the penalty of imprisonment of at least one (1) month or a fine in an amount not exceeding Five Thousand Pesos (Php5,000.00) for every day of operation without a permit to operate, or both, in the discretion of the Court.

The person who may be charged under this section may or may not be the owner of the preschool being operated without any permit or authority.

No case for the violation of this provision shall be filed against an owner of a preschool that has been operating without a permit for one (1) year or less, without the issuance of an Official Notice from the Bureau requiring the owner to register the preschool operation. If the owner fails to submit an application for a permit within thirty (30) days from receipt of the Official Notice from the Bureau, a complaint for the violation of this provision may be filed against the owner of the preschool operating without a permit.

SEC. 55. *Administrative Sanctions.* – The Bureau may prescribe and impose administrative sanctions against the owner of the preschool it may deem reasonable and appropriate in the implementing rules and regulations promulgated pursuant to this Act for any of the following causes:

- a. Unauthorized operation of a preschool, without prejudice to the filing of a case against the owner pursuant to the immediately preceding section;
- b. Negligence or willful lack of supervision of children;
- c. Failure to comply with any of the obligations or standards prescribed by this Act or its implementing rules and regulations;
- d. Mismanagement of school operations;
- e. Gross inefficiency of the teaching or non-teaching personnel; or
- f. Fraud or deceit committed in connection with the application for a permit or recognition.

Administrative sanctions to be imposed by the Department may include but are not limited to the following:

- a. Suspension or revocation of permit to operate;
- b. Temporary or permanent closure of premises of the preschool facility or service;
- c. Fines and penalties; and
- d. Prohibition to operate a preschool service or facility or any other educational institution.

SEC. 56. *Civil penalties.* – Any or all of the preschool personnel may be ordered by the Court to pay damages, fines and/or other civil penalties for acts or omissions – whether intentional or due to negligence – within the preschool premises or related to the preschool operations resulting to any damage or injury on the child enrolled in the preschool where said personnel are employed.

The Court may also order any of the sanctions enumerated in the immediately preceding section against the owner of the preschool in addition to the imposition of the penalties imposed in this section.

SEC. 57. *Penal provisions.* – The imposition of any of the above administrative sanctions or civil penalties on those found to have violated this Act is without prejudice to the enforcement of penal sanctions against any of the preschool personnel as prescribed under the Revised Penal Code and other special laws with penal provisions such as the Child and Youth Welfare Code, the Anti-Child Abuse Act, and the Juvenile Justice and Welfare Act.

SEC. 58. *Liability of corporations.* – If any of the foregoing acts or omissions is committed by a Corporation, the President and the responsible officers of the corporation and/or other persons responsible for the offense or violation shall be held liable for the administrative, civil and penal sanctions.

Chapter XII. FINAL PROVISIONS

SEC. 59. *Transitory provision.* – Preschools that are already in operation and have been complying with the orders issued by the Department prior to this Act shall be given one (1) year from the time this Act takes effect to comply with the standards prescribed herein.

SEC. 60. *Statutory construction.* – In case of doubt, the interpretation of any of the provisions of this Act, including its Implementing Rules and Regulations, shall be construed liberally in favor of the protecting and promoting the paramount interest of the child.

SEC. 61. *Separability clause.* - Any part or provision of this Act that may be held invalid or unconstitutional shall not affect its remaining parts of provisions.

SEC. 62. *Repealing clause.* - All laws, decrees or rules inconsistent with any provision of this Act are deemed repealed or modified accordingly.

SEC. 63. *Effectivity clause.* - This Act shall take effect upon completion of its publication in at least two (2) national newspapers of general circulation.