

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

H. B. No. 615

Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

EXPLANATORY NOTE

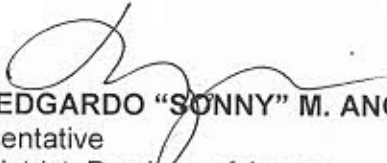
The number of school facilities built has not met the yearly building requirements caused by increase in enrollment. As a result, the backlog of classroom has increased. This shortage in the number of public school building in our country has always been a perennial problem associated with deteriorating quality of our education system.

Today, the national classroom-student ratio for elementary and secondary public schools is a stragging 1.65, due largely to the free education program, which has not been met by a corresponding increase in the number of classrooms. With only Php2.5 Billion allocated for school buildings in the 2001 GAA, the backlog of school rooms will increase to 30,100 classrooms by the end of 2007. To attain the ideal classroom-student ratio in the next five (5) years, a total of 129,000 new classrooms have to be constructed excluding those that have to be rehabilitated.

The bill seeks to create a comprehensive program which will address the problem of classroom shortage. A salient feature of this bill is the provision of build-operate-transfer, building-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, and the creation of an inter-agency committee to formulate and ensure the effective implementation of the program by the Department of Education. The program also provide for the integration of all the necessary information for the effective monitoring and maintenance of existing school buildings.

It is hoped that with the passage of this bill, class sizes will be reduced to a manageable level for a more conducive learning environment and thus result in the improvement in the quality of our education.

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


JUAN EDGARDO "SONNY" M. ANGARA
Representative
Lone District, Province of Aurora

H. B. No. 615

Introduced by Honorable JUAN EDGARDO "SONNY" M. ANGARA

AN ACT
RESTRUCTURING THE ALLOCATION OF THE DEPARTMENT OF EDUCATION'S
BUDGET FOR CAPITAL OUTLAY, AMENDING FOR THE PURPOSE REPUBLIC
ACT NO. 7880, 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 Philippines in Congress assembled:

SECTION 1. Section 3 of Republic Act No. 7880 is hereby amended to read as follows:

"SEC. 3. Definition of Terms. - As used in this Act, the following terms are hereby defined as follows:

(a) *Capital outlay* – refers to the provisions of the General Appropriations Act, particularly those pertaining to the budget of the [DECS] DEPED for elementary and secondary education for [(i) the acquisition and improvement of sites; (ii)] the construction, replacement, rehabilitation and repair of buildings, classrooms, libraries, workshops, toilets and other structures; [and (iii) furniture, fixtures, and equipment such as, but not limited to, desks, chairs, laboratory and workshop implements, computers, books, and the other basic and essential tools for learning whose beneficial use shall exceed one (1) year; and]

(B) *CLASSROOM* – REFERS TO A STRUCTURE OR BUILDING INTENDED FOR INSTRUCTIONAL PURPOSES, INCLUDING THE CHAIRS, TABLET ARMCHAIRS AND OTHER SIMILAR FIXTURES; AND SHALL EXCLUDE OFFICES, LIBRARIES, LABORATORIES, WORKSHOPS AND THE LIKE; AND

[(b)] (C) *Classroom shortage* - refers to [the number of classrooms whose construction, in considering] A CONDITION WHERE the number of students WHEN divided by the existing number of classrooms[,] shall result in a student-classroom ratio of MORE THAN [45] 40:1[; classrooms shall mean

those exclusively used for instructional purposes and shall exclude offices, libraries, laboratories, workshops and the like]."

SEC. 2. Section 4 of the same Act is hereby amended to read as follows:

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

[(a) On the first year of the effectivity of this Act:

- (1) thirty (30%) of the total capital outlay to be allocated *pro-rata* according to each legislative district's student population in relation to total student population of the country;
- (2) sixty percent (60%) of the total capital outlay allocated only among those legislative districts with classroom shortages, as defined in Section 3 (b), *pro-rata* to the total classroom shortage of the country pursuant to Section 3 (b) as determined by the DECS; and
- (3) ten percent (10%) to be allocated in accordance with the implementation of the policy of this Act as may be determined by the DECS.

(b) On the second year and every year thereafter:

- (1) fifty percent (50%) of the total capital outlay to be allocated *pro-rata* according to each legislative district's student population in relation to total student population of the country;
- (2) forty percent (40%) of the total capital outlay to be allocated only among those legislative districts with classroom shortages as defined in Section 3 (b), *pro-rata* to the total classroom shortage of the country pursuant to Section 3 (b) as determined by the DECS; and
- (3) ten percent (10%) to be allocated in accordance with the implementation of the policy of this Act as may be determined by the DECS.]

(A) TEN PERCENT (10%) OF THE TOTAL CAPITAL OUTLAY TO BE ALLOCATED PRO-RATA ACCORDING TO EACH LEGISLATIVE DISTRICT'S STUDENT POPULATION IN RELATION TO THE TOTAL STUDENT POPULATION OF THE COUNTRY;

- (B) EIGHTY PERCENT (80%) OF THE TOTAL CAPITAL OUTLAY TO BE ALLOCATED ONLY AMONG THOSE LEGISLATIVE DISTRICTS WITH CLASSROOM SHORTAGES AS DEFINED IN SECTION 3 (C), *PRO-RATA* TO THE TOTAL CLASSROOM SHORTAGE OF THE COUNTRY PURSUANT TO SECTION 3(C) AS DETERMINED BY THE DEPED; AND
- (C) TEN PERCENT (10%) TO BE ALLOCATED IN ACCORDANCE WITH THE IMPLEMENTATION OF THE POLICY OF THIS ACT AS MAY BE DETERMINED BY THE DEPED.

SEC. 3. Section 5 of the same Act is hereby amended to read as follows:

"SEC. 5. *Use of Allocation.* – The total amount allocated herein shall be used exclusively for capital outlay pursuant to the educational priorities of the legislative district, as determined by the [DECS] DEPED upon prior consultation with the representative of each legislative district: *Provided*, That the primary objective in the use of any allocation shall be to eliminate SCHOOLBUILDING/classroom shortages AND TO REHABILITATE AND REPAIR EXISTING SCHOOLBUILDINGS AND CLASSROOMS. [if any: *Provided, further*, That any amount allocated in accordance with subparagraph (1) of paragraphs (a) and (b) of the preceding section shall be used only for the acquisition or improvement of school sites, construction of schoolbuildings and classroom and the purchase of material or equipment that directly aid in education: *Provided, furthermore*, That the amount so appropriated in accordance with subparagraph (2) of paragraphs (a) and (b) of the same section shall be used exclusively for the construction of new schoolbuildings; *Provided, finally*, That if the amount so appropriated in subparagraph (2) of paragraphs (a) and (b) should exceed the amount required to meet classroom shortage, the excess shall be integrated with subparagraph (1) of paragraphs (a) and (b) of the same section excluding capital outlays of division offices, regional and central offices.]

SEC. 4. Section 6 on Implementing Rules and Regulations of the same Act is hereby deleted and in lieu thereof, a new Section 6 is hereby added, which shall read as follows:

SEC. 6. *REPORTORIAL REQUIREMENT.* - THE DEPARTMENT OF BUDGET AND MANAGEMENT (DBM), THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH), AND THE DEPARTMENT OF EDUCATION (DEPED) ARE HEREBY REQUIRED TO SUBMIT TO THE RESPECTIVE COMMITTEES ON EDUCATION OF BOTH HOUSES OF CONGRESS AN ANNUAL REPORT ON THE RELEASE AND UTILIZATION OF THE CAPITAL OUTLAY UNDER THIS ACT: *PROVIDED*, THAT SUCH

SUBMISSION SHALL BE SEPARATE AND DISTINCT FROM THE REPORTS THEY SUBMIT TO CONGRESS RELATED TO DELIBERATIONS ON THE ANNUAL GENERAL APPROPRIATIONS ACT.

SEC. 5. Section 8 of the same Act is hereby amended to read as follows:

"SEC. 8. Penal Clause. – ANY VIOLATION OF THE PROVISIONS OF THIS ACT SHALL BE CONSIDERED AS DERELICTION OF DUTY AS SET FORTH IN PERTINENT ADMINISTRATIVE AND CIVIL SERVICE LAWS, AND SHALL BE ADMINISTRATIVELY DEALT WITH IN ACCORDANCE WITH APPROPRIATE EXISTING ADMINISTRATIVE PROCEDURES AND PENALTIES.

Any public official or employee or private individual who wilfully or knowingly misappropriates the funds allocated herein or uses the same for personal gain in violation of Section 5 of this Act shall be punished with perpetual disqualification from public office and imprisonment for not less than six (6) years but not more than fifteen (15) years.

SEC. 6. All references to the "Department of Education, Culture and Sports" or "DECS" under Republic Act No. 7880 are hereby amended to read as "Department of Education" or "DepED", respectively.

SEC. 7. Implementing Rules and Regulations. The Department of Education shall, upon consultation with the Department of Budget and Management and the Department of Public Works and Highways, promulgate the necessary rules and regulations for the immediate and effective implementation of this Act within a period of sixty (60) days after its effectivity.

SEC. 8. Repealing Clause. All laws, decrees, orders, rules and regulations, and other issuances or parts thereof, that are contrary to or inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 9. Separability Clause. If, for any reason, any part or provision of this Act is subsequently declared invalid or unconstitutional, the validity of the remaining provisions hereof shall remain in full force and effect.

SEC. 10. Effectivity. This Act shall take effect fifteen (15) days following its publication in at least two (2) national newspapers of general circulation.

Approved,