

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

H. B. No. 645

Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

EXPLANATORY NOTE

The Department of Education (DepEd) budget had the biggest share of the national budget at P158.2 billion for 2009, however, it still did not meet the budgetary standard for education set by the United Nations Educational, Scientific and Cultural Organization (UNESCO), which is 6% of a country's Gross Domestic Product (GDP). As it stands, the classroom backlog is severe. Many towns throughout the country do not have a public high school where school-aged children can study. Numerous barangays do not have public elementary schools. The lack of classrooms and schools makes going to school more costly for parents – and less feasible.

With the School Building Act of 2010, we expect to refocus the DepED budget back to basics in order to provide basic, accessible and affordable education to our countrymen. And with innovative building schemes such as Build-Operate-and-Transfer and through partnerships with the private sector and local government units, additional funds could be sourced in order to ease the severe and critical classroom backlog.

The bill provides for an Emergency School building fund amounting to 15 billion pesos, which will be released and utilized for a period of five years. The Five-Year School building Program targets to eliminate the classroom shortages for a definite period of time.

For the abovementioned reasons, the immediate approval of this bill is earnestly sought.



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

Introduced by Honorable JUAN EDGARDO "SONNY" M. ANGARA

AN ACT
PROVIDING FOR A FIVE-YEAR EMERGENCY SCHOOL BUILDING PROGRAM,
APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Short Title.* This Act shall be known as the ***"School Building Act of 2010."***

SEC. 2. *Declaration of Policy.* It is the declared policy of the State to establish, maintain, and support a complete, adequate and integrated system of education relevant to the needs of the people society. Towards this end, it is imperative that there be a complete elementary school in every barangay and a complete high school in every town, in order that primary and secondary education be made available and accessible to all citizens in all geographical areas of the country.

In the choice of location of school buildings, the economic principle of comparative advantage shall always be adhered to.

SEC. 3. *Implementing Agency.* For purposes of this Act, the Department of Education ("DepED") shall undertake the construction of the following:

- (1) Fifteen thousand (15,000) additional classrooms every year for a period of five years, in order to address the classroom backlog in various parts of the country;
- (2) One elementary school for every barangay which does not have a public elementary school at the time of passage of this Act; and
- (3) One high school for every town, which does not have a public high school at the time of passage of this Act.

Provided, that the DepED shall undertake the construction of new school buildings, rehabilitation, replacement, completion and repair of school buildings which targets the current backlog as defined in the National Inventory of School building shortage. Provided, further, that the DepED shall finish the construction, rehabilitation, and repair of school buildings under this Act within five years from the passage hereof.

SEC. 4. *School Building Mapping.* The DepED shall undertake a nationwide annual inventory of school buildings which will determine the extent of shortage of classrooms in each division including those which are funded by the local government units, private sector and national government. The DepED shall develop a school building construction workplan for a period of five years which will include the priority areas for construction, rehabilitation and repair of school buildings for the next five years as well as the budgetary requirements needed to implement the work plan.

SEC. 5. *Simplified Public Bidding.* The construction, repair, rehabilitation, improvement, or maintenance of schoolbuildings under this Act shall follow the Commission on Audit (COA) rules on simplified public bidding.

SEC. 6. *Other School Building Construction Schemes.* The Government shall also encourage the construction of school buildings under this Act through other viable schemes for the construction of school buildings such as build-operate-transfer, build-transfer and other schemes that will fast-track the construction of schoolbuildings.

SEC. 7. *Monitoring and Evaluation.* An Oversight Committee composed of the Secretary of Education as Chairman, the Chairmen of the Senate and House Committees on Education as Co-Vice Chairmen, and the heads of the Bureau of Secondary Education ("BSE") and Bureau of Elementary Education ("BEE"), and the Regional Directors of DepED shall monitor the implementation of this Act; Provided, that the Oversight Committee shall meet quarterly to determine areas in critical need of additional classrooms and schoolbuildings.

The DepED shall establish 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.

SEC. 8. *Exemption from Election Ban.* The repair, maintenance and rehabilitation of schoolbuildings as well as BOT schoolbuilding projects shall be exempted from the scope of the election ban on public works.

SEC. 9. *Local Government Unit Participation.* DepED shall coordinate with the local government units ("LGUs") where the school buildings shall be located, in order to identify priority locations that take into account the number of schoolage children without access to adequate public school facilities.

Construction of schoolbuildings and classrooms shall be a priority investment of the LGUs which shall provide a counterpart of not less than ten percent (10%) of the project cost subject to their IRA level.

SEC. 10. *Private Sector Participation.* Private individuals, corporations, foundations and civic societies (the "Private Proponent") may undertake the construction of school buildings or classrooms in an area within the Region which the Oversight Committee designates as deficient in school buildings and classrooms. The Private Proponent may apply in payment of taxes due from it to the government an amount equivalent to 100% of the school building and classroom construction works it may have undertaken with the prior approval of the Oversight Committee under such terms and conditions as the Oversight Committee may determine and in consultation with other government agencies concerned, provided that:

- (i) the title to all such construction works shall, upon completion, be transferred to the Philippine Government; and
- (ii) should the Private Proponent undertake necessary and major maintenance work on school buildings and classrooms with the prior approval of the Oversight Committee, a similar incentive shall be given to it in an amount equivalent to the cost of such necessary maintenance.

Provided, that in cases where the Oversight Committee may certify that construction of school buildings or classrooms, or the rehabilitation thereof is urgently needed in specific areas, the Private Proponent undertaking the construction or rehabilitation may apply in payment of taxes due from it to the government an amount equivalent to 200% of the construction work it may have undertaken with the prior approval of the Oversight Committee.

SEC. 11. *Emergency School Building Fund.* An amount of Fifteen Billion Pesos (P15,000,000,000) shall be set aside for the Emergency School Building Fund which shall be used for classroom construction, repair and rehabilitation for a period of five years as mandated by this Act. An initial amount of Three Billion Pesos (P3,000,000,000) shall be released to the DepED on the first quarter of the calendar year following the year of the effectivity of this Act, including its notice of cash allocation to administer the program. Provided, that the Emergency School Building Fund shall be utilized without prejudice to the annual DepED capital outlay provided under the General Appropriations Act. Provided further, that the appropriations provided for in this Act shall be used only during the five-year period of the implementation of this Act. Provided, finally, that after the five-year period, the funding for the school building program, which targets annual incremental increase in enrolment, shall be taken from the regular DepED capital outlay.

SEC. 12. *Use of Appropriation.* The Oversight Committee shall define the guidelines on how to allocate the Emergency School Building Fund equitably throughout the country. Provided that the primary objective in the use of any allocation shall be to eliminate classroom shortages in a period of five years.

SEC. 13. *Filing of Report.* The Secretary of Education shall file with the Office of the President of the Philippines and with the Senate and House of Representatives a detailed report on the progress of construction of school buildings and classrooms on May 15th of each year.

SEC. 14. *Implementation.* The Secretary of Education in coordination with the Department of Budget and Management is hereby directed to promulgate rules and regulations necessary for the immediate implementation of this Act.

SEC. 15. *Separability Clause.* If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

SEC. 16. *Repealing Clause.* All laws, presidential decrees, executive orders and letters of instruction contrary to or inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 17. *Effectivity Clause.* This Act shall take effect upon its publication in two (2) newspapers of general circulation.

Approved,