

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1196

INTRODUCED BY: HON. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

Whenever a new school year opens, the media feature the controversial issues that hound the state of Philippine public education and yet remain unsolved throughout the years. Of these, one of the most striking is the feature about the lack of facilities, particularly classrooms, in public schools. This is combined with visuals about rooms and desks in various states of disrepair, or of classes being held along corridors, under trees, or worse, in comfort rooms.

The problem stems from the lack of mechanisms to oversee the selection of school sites, monitor the (quality) construction of schools and the maintenance or supervision of facilities. This also leads to lack of transparency, thereby rendering the said procedures conducive for unscrupulous individuals to engage in graft and corruption.

To address the aforementioned, this bill seeks to establish a program for the selection of school sites, and the construction and maintenance of buildings in public elementary and secondary schools. By forging the cooperation between government agencies like the Department of Budget and Management (DBM), Department of Public Works and Highways (DPWH), Department of Interior and Local Government (DILG) and the Department of Education (DepEd), this measure aims for the strict monitoring of said processes, as well as the implementation of feasible definite work and financial schedule, in response to the annual increase in public schools' population that strain the overtaxed resources available. The country's future rests on the betterment of Philippine education, and the government better start by providing comfortable and appropriate spaces for learning to its young citizens.

In light of the foregoing, immediate passage of this bill is of paramount importance and is earnestly sought.



MARCELINO "MARCY" R. TEODORO

Representative, 1st District
City of Marikina

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AN ACT
AMENDING REPUBLIC ACT NO. 7880, OTHERWISE KNOWN AS THE
"FAIR AND EQUITABLE ACCESS TO EDUCATION ACT"

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

Section 1. 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 Act, particularly those pertaining to the budget of the [DECS] DEPED for elementary and secondary education for (i) the acquisition and improvement to sites; **AND**(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, DESKS AND OTHER SIMILAR FIXTURES; AND SHALL EXCLUDE OFFICES, LIBRARIES, LABORATORIES, WORKSHOPS AND THE LIKE.
- (c) *Classroom shortage* - refers to the number of classrooms whose construction, in considering the number of students divided by the existing number of classrooms, shall result in a student-classroom ratio of [45:1] **40:1**]; shall mean those exclusively used for

instructional purposes and shall exclude offices, libraries, laboratories, workshops and the like]. h

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

"SEC. 4. *Allocation of Appropriation.* – 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 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.

(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. 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 DEPED [upon prior consultation with the representative of each legislative district: *Provided*, the primary objective in the use of any allocation shall be to eliminate SCHOOL BUILDING/classroom shortages.[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 school buildings and classroom and the purchase of material or equipment that directly aid in education: *Provided*, furthermore, the amount so appropriated in subparagraph (2) of paragraphs (a) and (b) of the same section shall be used exclusively for the construction of new schoolbuildings; *Provided*, finally, 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 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. INCREASE IN THE ANNUAL ALLOCATION – COMPLY WITH THE TARGETED CLASSROOM-STUDENT RATIO AND TO DECREASE CLASSROOM SHORTAGE IN THE COUNTRY, THE BUDGET ALLOCATION PROVIDED FOR THE CAPITAL OUTLAY OF THE DEPED UNDER THIS ACT SHALL BE INCREASED ANNUALLY BY TWENTY PERCENT (20%).

SEC. 5. Section 9 of the same Act is hereby renumbered as Section 7 and amended to read as follows:

“SEC. [9] 7. Release of Capital Outlays. – appropriation herein provided for the construction, rehabilitation, replacement, completion and repair of school buildings shall be [released to and administered by the Department of Public Works and Highways based on the work program submitted by the DECS: *Provided*, That fifty percent (50%) of the total appropriation for capital outlay shall be released automatically on the first quarter of the calendar year, including its corresponding notice of cash allocation.]RELEASED IN THE FOLLOWING MANNER:

ON THE FIRST YEAR OF EFFECTIVITY OF THIS ACT :

(1) FIFTY PERCENT (50%) OF THE SCHOOL BUILDING FUND SHALL BE DIRECTLY RELEASED TO AND ADMINISTERED BY THE DEPED OR THE LOCAL GOVERNMENT UNIT AS MAY BE AUTHORIZED BY THE DEPED, UNDER THE LATTER'S SCHOOL BUILDING PROGRAM;

(2) FIFTY PERCENT (50%) OF THE SCHOOL BUILDING FUND SHALL BE DIRECTLY RELEASED TO AND ADMINISTERED BY THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH) BASED ON THE WORK PROGRAM SUBMITTED BY THE DEPED;

(A) ON THE SECOND YEAR OF THE EFFECTIVITY OF THIS ACT:

(1) SEVENTY PERCENT (70%) OF THE SCHOOL BUILDING FUND SHALL BE DIRECTLY RELEASED TO AND ADMINISTERED BY THE DEPED OR THE LOCAL GOVERNMENT UNIT AS MAY BE AUTHORIZED BY THE DEPED, UNDER THE LATTER'S SCHOOL BUILDING PROGRAM;

(2) THIRTY PERCENT (30%) OF THE SCHOOLBUILDING FUND SHALL BE DIRECTLY RELEASED TO AND ADMINISTERED BY THE DPWH BASED ON THE WORK PROGRAM SUBMITTED BY THE DEPED.

(B) ON THE THIRD YEAR AND EVERY YEAR THEREAFTER, THE SCHOOLBUILDING FUND SHALL BE DIRECTLY RELEASED TO AND ADMINISTERED BY THE DEPED OR THE LOCAL GOVERNMENT UNIT AS MAY BE AUTHORIZED BY THE DEPED, UNDER THE LATTER'S SCHOOL BUILDING PROGRAM.

PROVIDED THAT THE DBM AND THE DEPED SHALL FORM WITHIN THE LAST QUARTER OF EVERY YEAR A COMMITTEE TASKED TO DRAW A SCHOOL BUILDING EXPENDITURE PROGRAM WHICH SHALL BE IMPLEMENTED IN THE IMMEDIATELY SUCCEEDING YEAR, WHICH AMONG OTHERS, SHALL INCLUDE A LIST OF SCHOOL BUILDING/CLASSROOM TO BE FUNDED BY THE SAID SUCCEEDING YEAR'S BUDGET. THE DRAWING OF THE PROGRAM TOGETHER WITH THE LIST SHALL BE DEEMED COMPLETE AND FINAL ON 31 DECEMBER OF EVERY YEAR, EVIDENCED BY THE SIGNATURES OF BOTH THE DBM AND DEPED SECRETARIES;

PROVIDED, FURTHER, THAT THE DBM SHALL ISSUE THE SPECIAL ALLOTMENT RELEASE ORDER (SARO) (OR ITS EQUIVALENT) FOR PROJECTS IN THE LIST, TOGETHER WITH THE RELEASE OF CASH AMOUNT EQUIVALENT TO AT LEAST FIFTEEN PERCENT (15%) OF EACH TOTAL PROJECT COST, ON OR BEFORE JANUARY 31;

PROVIDED, FURTHERMORE, THAT THE BIDDING AND THE AWARDING FOR SAID PROJECTS SHALL HAVE BEEN COMPLETED WITHIN SIXTY (60) DAYS AFTER THE ISSUANCE OF THE SARO;

PROVIDED, FINALLY, THAT THE NOTICE OF CASH ALLOCATION (NCA) (OR ITS EQUIVALENT), WHICH SHALL CONTAIN THE BALANCE OF THE TOTAL PROJECT COST, SHALL BE RELEASED AND COMPLETED WITHIN THIRTY DAYS AFTER

THE AWARDING OF THE PROJECT TO THE IMPLEMENTOR.

FAILURE TO COMPLY WITH ANY OF THE PROVISIONS OF THIS SECTION SHALL RENDER THE SECRETARIES OR THE CONCERNED STAFF LIABLE UNDER THE PENAL PROVISIONS OF THIS ACT.

SEC. 6. new Section 8 is hereby added to RA 7880, which shall read as follows:

SEC. 8. 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. 7. 7 of the same Act is hereby renumbered as Section 9.

SEC. 8. 8 of the same Act is hereby renumbered as Section 10 and amended to read as follows:

"SEC. [8] 10. Penal Clause. - 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. 9. 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. 10. *Implementing Rules and Regulations.* Department of Education shall, upon consultation with the Department of Budget and Management, the Department of Public Works and Highways and the Department of Interior and Local Government, promulgate the necessary rules and Regulations for the immediate and effective implementation of this Act within a period of sixty (60) days after the effectivity of this Act.

SEC. 11. *Repealing Clause.* – laws, decrees, orders, rules and regulations, and all other issuances or parts thereof, which are inconsistent with this Act are deemed repealed or modified accordingly.

SEC. 12. *Separability Clause.* - The provisions of this Act are hereby declared to be separable and, in the event any provision is declared unconstitutional, the other provisions which are not affected thereby shall remain in full force and effect.

SEC. 13. *Effectivity.*– This Act shall take effect fifteen (15) days following its publication in a newspaper of general circulation in the Philippines.

Approved,