

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 2813

Introduced by **Rep. Eulogio "Amang" R. Magsaysay**

EXPLANATORY NOTE

Books are instrumental in the citizenry's intellectual, technical and cultural development — the basic social foundation for the economic and social growth of the country. Books are the most effective and economical tools for achieving educational growth, for imparting information and for recording, preserving, and disseminating the nation's cultural heritage.

Pedagogy has established the indispensable use of textbook as the primary basis of classroom instructions in a particular subject. As an all-in-one source of information, textbook conveniently facilitates interaction between the teacher and the students. With the great body of knowledge attributing to the subject already reduced in its texts, the book maximizes time for the students to explore more on the subject.

The textbook program of the country has been tainted with controversies and criticisms on the issue of the so-called "defective textbooks". This started several years back when it was found out that there are such textbooks filled with errors and omissions. The defects specifically point to the accuracy and validity of contents as the textbooks contain factual and conceptual errors, or even grammatical errors, as well as biases and prejudices that can cause undue influence and negative effect to the value system of students and other individuals who read them. On several times that the issue has been exposed to the public and has even brought to the floors of Congress, several times also that the concerned government agencies, particularly the Department of Education, commit to look into the matter and resolve the problems at once. But today, such "defective textbooks" are still so prevalent that can potentially jeopardize quality Filipino education. As these are still in circulation and are still being adopted in schools, particularly in public elementary and secondary schools, such error-filled textbooks may redound to an even bigger error — teaching students things that are wrong.

Causing this to happen by anyone, principally or instrumentally, is a serious act against persons, a grave avowal against the State's policy to advance the right to quality education of Filipino citizens. The problem remains unsolved as it is being tolerated. The verdict for certain persons or entities apparently are responsible for the occurrence of such textbooks has not been served. It is about time for a law that has the teeth to go after those who are responsible and hold them liable for offenses they commit. Hence, this bill.

This bill seeks to prescribe the acts that constitute the crime of defective textbook publication, providing penalties thereof. While it is punitive in nature, this proposed measure recognizes that the problem on the occurrence of such defective textbooks must likewise be addressed constructively, thus it also seeks for the institution of additional provisions under the present procedure and standards in the implementation of textbook publication program.

In view of the foregoing, the immediate approval of this measure is earnestly sought.

A handwritten signature in black ink, appearing to be 'Em' with a long, sweeping diagonal stroke extending upwards and to the right.

EULOGIO "AMANG" R. MAGSAYSAY

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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House of Representatives

House Bill No. 2813

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AN ACT
PRESCRIBING THE CRIME OF DEFECTIVE TEXTBOOK PUBLICATION,
PROVIDING FOR PREVENTION, SUPPRESSION AND IMPOSITION OF
PENALTIES THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. *Title* - This Act shall be known as the "*Defective Textbook Crime Act*".

SECTION. 2. *Declaration of Policy* – The State recognizes that books are vital instruments for individual's intellectual, technical, and cultural development that greatly influence the country's economic and social growth. Books are significant artifacts or material representation of the nation's cultural heritage. In so doing, the "National Book Policy" of the State expresses the intention and philosophy as bases for the formulation and implementation of measures for the development, production and distribution of books.

There is now a national book development plan which carries, among others, the provisions for producing books or other periodicals such as appropriate or selected comics as instructional or teaching material for such various categories of readers in the country as pre-school children and school children, school drop-outs, neo-literates, the handicapped, professionals, general readers and ethnic groups. In pursuance of such requisites, the State calls for active and proper collaboration among concerned stakeholders in the publication of textbooks which are the primary bases for instruction in a classroom or pupil-book-teacher situation.

SECTION 3. Definition of Terms. — For purposes of this Act, the following terms are hereby defined, as follows:

- a) **Textbook** – a book which is an exposition of generally accepted principles in one (1) subject, intended primarily as a basis for instruction in a classroom or pupil-book-teacher situation.
- b) **Book Publishing** – a process of choosing and making books dealing with everything known to the human spirit, philosophy, religious beliefs, intellectual ideas, the physical world, all the arts and the sciences.
- c) **Book Development** – a condition not only of having more output but also different kinds of outputs than were previously produced, as well as changes in the technical and institutional arrangements by which output is produced and distributed.
- d) **Textbook Call** – an undertaking by the Department of Education to carry on the textbook publishing requirement and procedure, including submission, screening, review and evaluation of manuscripts by the interested book writers or publishers.
- e) **Textbook Evaluation** – the process that includes the expert judgment of accredited academicians, educators, education administrations, and textbook and curriculum specialists.
- f) **Defective Textbook** – manuscript or published/adopted textbook filled with factual errors, biases, and conceptual omissions.

SECTION 3. Implementation of the Textbook Publishing Program. — The National Book Development Board with the Department of Education are hereby directed to include in the current guidelines, rules and regulations in the implementation of textbook publishing program, the following provisions:

- a) More objective and transparent evaluation and review of textbook manuscripts by designating two (2) evaluators from the private sectors, and two (2) reviewees from the Department of Education (DepEd) where identities of both evaluators and reviewers must be revealed,

establishing in particular the non-relationship between them and any of the authors or publisher of the book they are evaluating or reviewing. No employee or personnel of DepEd shall be allowed to become a reviewee.

- b) Review and re-evaluation of all previously approved titles.
- c) Modification of the present standards of textbook review and evaluation rating where all textbooks approved by DepEd should contain no more than twenty (20) major or grave errors rationalizing the ranges of the presently adopted "1-6 Rating Scale".
- d) Formation of a monitoring body outside of DepEd's own Bids and Awards Committee to secure the bidding and awarding of contracts during textbook procurement.

SECTION 4. *Punishable Acts.* — The following acts are hereby prescribed to constitute crime of defective textbook publication punishable under this Act:

- a) Passing, and/or causing the recommendation for approval of any reviewed or evaluated manuscript intended for adoption as textbook, in gross negligence or disregard of procedures and standards set for the review or evaluation of such material.
- b) Selecting and/or approving, or causing the selection and/or approval of any manuscript intended for publication and adoption as textbook that is however, filled with factual errors, biases and conceptual omissions.
- c) Publishing, printing or distributing, or causing the publication, printing or distribution of any selected or approved manuscript that is defective.
- d) Engaging in any syndicated act willfully disregarding or violating the established rules, regulations, procedures, or standards in the screening, reviewing, and evaluating related to textbook publishing.

SECTION 5. *Liability under Other Laws.* - A prosecution under this Act shall be without prejudice to any liability for violation of any provision of the Revised Penal Code, as amended, and other special laws.

SECTION 6. *Penalties.* - Any person found guilty by the court to have committed any act prescribed under Section 3 (a), (b) and (c) of this Act shall be punished with imprisonment of not less than five (5) years, or a fine of not less than one hundred thousand pesos (P100,000.00), or both. Provided, That if the offender is a government official or officer, he shall be punished with the maximum years of imprisonment, or a fine equivalent to at least double the amount of the imposable fine, commensurate to the offense committed, or both at the discretion of the court.

Any person found guilty by the court to have committed any act prescribed under Section 3 (d) of this Act shall be punished with imprisonment of not less than ten (10) years, or a fine of not less than one hundred thousand pesos (P200,000.00), or both. Provided, That if the offender is a government official or officer, he shall be punished with the maximum years of imprisonment, or a fine equivalent to at least double the amount of the imposable fine, commensurate to the offense committed, or both at the discretion of the court.

If the violation is committed by a juridical entity, it shall be subject to a fine not exceeding five hundred thousand pesos (P500,000.00). The president and/or officials responsible therefore shall also be subject to a fine not exceeding Seven hundred thousand pesos (P700,000.00).

SECTION 7. *Implementing Rules and Regulations.* - The Department of Justice, together with the National Book Development Board and the Department of Education, shall formulate the necessary rules and regulations for the effective implementation of this Act.

SECTION 8. *Repealing Clause.* - All acts, laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 9. *Separability Clause.* - If any provision of this Act is held invalid, the other provisions not affected shall remain in full force and effect.

SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,