

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasang Pambansa, Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3281

INTRODUCED BY REP. JOSEPH VICTOR G. EJERCITO

EXPLANATORY NOTE

The country is besieged by a multitude of problems but none as tremendous as the critical condition of our educational system today: the staggering shortage in classrooms, school facilities and educational materials, the shortage of teachers in public schools, and the dismal performance of our students. In the midst of a food crisis and skyrocketing prices of basic commodities, schoolchildren from the poorest families face the threat of hunger or malnutrition even as the government has resorted to allocating food subsidies.

Given the scarce resources of the national government, there is a need to be innovative in our approach in harnessing investments for education and health modernization programs. Only recently, the National Telecommunications Commission explored the possibility of lowering access charges between telecommunication companies for text messaging or short messaging service (SMS). This bill proposes that instead of merely lowering the cost of communication through lowered access charges, current rates should be maintained but with the government collecting half of the revenues, to be used to fund critical programs for acceleration of education and health standards in the country. At the same time, the economy is pump-primed with much needed investments.

For these purposes, this bill seeks to create the Health and Education Acceleration Program (HEAP) Corporation, a government corporation to spearhead the rehabilitation and acceleration of education and health infrastructure in the country. Under the HEAP, every commerce al mobile service provider shall be required to remit to the HEAP Fund half or 50% of its net revenue earnings arising from local text messages. These funds shall be earmarked for the construction of classrooms, computer and science laboratories, clean cafeterias and school facilities for schoolchildren's wholistic development, acquisition of books, desks, chairs and instruction materials, hiring of teachers, regular conduct of teacher-training programs and augmentation of teachers' pay provision of scholarship grants to deserving students; establishment of school clinics with dental equipment and a regular

staff nurse; and school feeding and vaccination programs. For these reasons, the passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'J. Ejercito', with a horizontal line extending from the left.

JOSEPH VICTOR G. EJERCITO

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**AN ACT
CREATING THE HEALTH AND EDUCATION
ACCELERATION PROGRAM
CORPORATION, PROVIDING FUNDS 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 "Health and Education Acceleration Program (HEAP) Act of 2010."

Sec. 2. Declaration of Policies. - It is hereby declared the policy of the State to protect the right of all citizens to quality and accessible education especially at the elementary and high school levels, and to promote the modernization, acceleration and efficient delivery of basic education, while ensuring the right of teachers to professional advancement and adequate remuneration for their talents. It is likewise declared the policy of the State to achieve improvements in the delivery of basic health services to the studentry, recognizing the integral value of health for any nation, the coordination of resources from all sectors, and the right to access quality care. To this end, the State shall encourage the participation of the private sector and the whole citizenry in the pursuit of a comprehensive and long-term rehabilitation and modernization program in the education sector.

Sec. 3. Health and Education Acceleration Program Corporation. - There is hereby created a body corporate to be known as the Health and Education Acceleration Program Corporation (hereinafter referred to as the "Corporation") to carry out the purposes of this Act, which shall be vested with the powers of a corporation. The Corporation shall be an independent government instrumentality attached to the Office of the President for administrative purposes only. It shall establish its principal office in Metropolitan Manila.

Sec. 4. Powers and Functions of the HEAP Corporation. - The Corporation shall have the following powers and functions:

(a) To administer the Health and Education Acceleration Program;

(b) To hold and administer the HEAP Fund created under Section 5, according to the purposes specified under Section 6, of this Act;

(c) To implement all policies and programs of the Department of Education and Department of Health necessary for the accomplishment of the objectives of this Act;

(d) To adopt, prepare and implement a comprehensive and detailed six- year development plan during its first fiscal year of operation, containing an assessment of the existing needs of public elementary and high schools and embodying a list of projects, including but not limited to those provided in the Medium-Term Philippine Development Plan (MTPDP), for the rehabilitation and enhancement of the national educational and school health system; Provided, That on its third year and every three years thereafter, the Board of Directors of the Corporation created under Section 8 of this Act shall review the existing development plan taking into consideration the completion, status and impact of projects.

(e) To apply for, receive and accept grants and donations and other conveyances by gratuitous title, including funds, materials, equipment and services needed to accomplish its objectives under this Act;

(f) To do all such other things and to transact all such business directly or indirectly necessary, incidental or conducive to the attainment of its purpose;

(g) To exercise the power of eminent domain; and

(h) Generally, to exercise all powers of a corporation under the Corporation Law.

Sec. 5. Health and Education Acceleration Program Fund. - For purposes of this Act, the Health and Education Acceleration Program Fund (hereinafter referred to as the "Fund") is hereby established, to consist of fifty percent (50%) of the revenue assessed and collected on all local mobile phone text messages sent from their networks, to be remitted by domestic mobile phone service providers to the Fund monthly during the lifetime of the Corporation. All proceeds accruing to the Fund shall be earmarked solely and used exclusively to finance the priority programs stated under Section 6 of this Act.

Sec. 6. Priority Uses of Fund, - The Fund shall be used to finance programs aimed at rehabilitating and modernizing educational and health infrastructure, raising the quality of instruction, and

strengthening delivery of basic health services in public elementary and high schools nationwide. The programs, including but not limited to the following, shall be implemented in phases to ensure continuity and sustainability, according to the following schedule of priority:

(a) Construction, repair or upgrading of school buildings, classrooms and facilities, including the establishment or upgrading of libraries to be provided with at least two computers with Internet access and science laboratories with modern equipment to improve competencies of students in science and technology; Hiring, training and remuneration of teachers;

(b) Establishment or upgrading of school clinics, to be provided with at least one registered nurse;

(c) Computerization, with the establishment of at least one computer laboratory for each public high school with a minimum of 10 computers each with Internet access;

(d) Feeding program for public elementary schools to consist of at least two meals a day; and

(e) Regular vaccination and dental checkup programs;

No money shall be released from the Fund without any identified program and/or project, nor used to pay obligations incurred before the approval of this Act.

Sec. 7. Capitalization. -The Corporation shall have an authorized capitalization of Twenty Million Pesos (P20,000,000) as its initial organization and/or operational expenses; Provided, That such amount as may be necessary for the Corporation's administration and operation shall be set aside from the Fund; Provided further, That such amount shall not exceed one percent (1%) of the Fund at any time.

Sec. 8. Board of Directors. - Within 30 days from the approval of this Act, the President of the Philippines shall constitute a Board of Directors to be composed of a Chairperson and six members, as follows:

(a) In an ex-officio capacity, the Secretary of the Department of Education;

(b) Two representatives each from premier public and private education institutions;

(c) Two representatives from the telecommunications sector; and

(d) One representative from the national organization of Parent-Teacher Associations.

Provided, That the Chairperson and members of the Board of Directors shall serve at the appointing pleasure of the President and be

persons of proven integrity, independence, and administrative proficiency, and fully committed to the objectives of this Act.

The Board of Directors shall be the policy-making body of the Corporation and shall perform the following functions:

(a) Carry out the purposes of the Corporation as embodied in this Act;

(b) Determine the organizational structure of the Corporation, define the duties and responsibilities of all officials and employees and adopt a compensation scheme; Provided, That the Corporation shall engage the services of urban and regional planners, engineers and management experts ;

(c) Adopt an annual budget for and authorize such expenditures by the Corporation in the interest of its effective administration and operation, in accordance with applicable rules and regulations; and

(d) Six months from its constitution and every six months thereafter, submit a report of the operation of the Corporation to the President of the Philippines, President of the Senate and Speaker of the House of Representatives. All procedural matters in the conduct of Board meetings shall be prescribed in its internal rules. Members of the Board shall receive a per diem for every meeting actually attended subject to the pertinent budgetary laws, rules and regulations on compensation, honoraria and allowances; Provided, That the per diem collected per month does not exceed the equivalent of four meetings.

Sec. 9. Administrator. - The President shall appoint a professional manager as Administrator of the Corporation with compensation to be determined by the Board subject to the approval of the Secretary of Budget and Management. The Administrator shall have the following duties and responsibilities:

(a) To act as Chair of the Board and Chief Executive Officer of the Corporation;

(b) To execute, administer and implement the policies and measures approved by the Board;

(c) To direct and supervise the operations and administration of the Corporation;

(d) To represent the Corporation in all dealings with offices, agencies and instrumentalities of the government and with all persons and entities, public or private, domestic or foreign;

(e) To direct and supervise the preparation of the agenda for the meeting of the Board, and to submit for the consideration of the Board such policies and measures as necessary to carry out the purpose and objectives of this Act; and

(f) To exercise such other powers and functions provided in the by-laws and as may be vested upon the office by the Board.

Sec. 10. Education Modernization Monitoring Department.

- Among the staff departments that will be established by the Corporation shall be the Education Modernization Monitoring Department which shall regularly perform the following duties and functions, in coordination with the appropriate provincial State Universities and Colleges:

(a) conduct of on-site inspections on the HEAP projects to ensure the projects adequacy and responsiveness to existing sector needs;

(b) review and evaluation of the impact of the HEAP on the access to and quality of facilities for public elementary and high schools;

An annual report on the results of these inspections, review and evaluation shall be submitted to the Board for its policy formulation.

Sec. 11. Supervision. - The Corporation shall be under the direct control and supervision of the Office of the President for purposes of policy direction and coordination.

Sec. 12. Audit. - The Commission on Audit shall appoint a representative who shall be the full time auditor of the Corporation, and such personnel as may be necessary to assist said representative in the performance of duty.

Sec. 13. Report to Congress. -The Corporation shall submit to the Department of Education and to Congress a detailed quarterly report on the funds allocated, indicating the amount released, obligated and disbursed under this Act, including but not limited to funds for the construction or repair and reconstruction of infrastructure projects, the list of contractors and projects being financed, and the accomplishments for the expended appropriation, including the percentage of completion. The Corporation shall also submit as part of the quarterly report a list of all donors and the nature of their donations. The Corporation shall cause to be disseminated in the community the list of beneficiaries and contractors mentioned above.

Sec. 14. Congressional Oversight Committee. - There is hereby created a Congressional Oversight Committee, which shall be composed of three representatives each from the Senate and the House of Representatives, to be appointed by the Senate President and the Speaker of the House of Representatives, to monitor the implementation of this Act. The Committee shall conduct an annual review of this Act in aid of legislation.

Sec. 15. Injunction and Restraining Order. - Projects under the HEAP are urgent and necessary. Their implementation shall not be restrained or enjoined except by an order issued by the Supreme Court of the Philippines.

Sec. 16. *implementing Rules and Regulation.* - Within 90 days from the effectivity of this Act, the Board of Directors shall transmit to the President for approval such rules and regulations to implement and carry out the intent, purposes and provisions of this Act.

Sec. 17. *Separability Clause.* - If any provision of this Act or any part hereof be declared unconstitutional or invalid the remainder of this Act or any provision not affected thereby shall remain in force and effect.

Sec. 18. *Repealing Clause.* - All laws, orders, proclamations, rules and regulations, or part thereof, which are inconsistent with any provision of this Act are hereby repealed or modified accordingly.

Sec. 19. *Effectivity* - This Act shall take effect 15 days following its publication in the Official Gazette or in at least two newspapers of general circulation.

Approved,