

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 3506

Introduced by Hon. SIGFRIDO R. TINGA

EXPLANATORY NOTE

This bill seeks to require internet shops and cafés to be used as distance education centers to stream online secondary course instructions, lessons and course materials for public high school students.

Section 1 of Article XIV of the Constitution mandates that the State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education available to all.

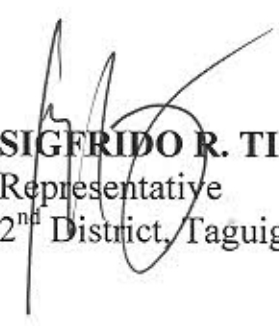
Every Filipino has a right to quality education. Distance education (DE) is one approach to ensure that quality education is made accessible to all. The main feature of DE is a pre-dominance of an independent self-learning style which takes place outside a formal classroom. It is a two-way communication between teacher and student exists through electronic communication like the use of computers with internet access to specially designed learning instructions and materials. This means that students and teachers do not have to sit in the classroom but instead they learn from anywhere in the world and in anytime.

This bill seeks to use the internet shops and cafes as distance

accessed free of charge by the public high school students on designated time slots. This measure will include the provision of tax incentives for the internet service providers who provides free transmissions of the course instructions, lessons and materials from the school website to the internet shops and cafes. Also, the government will subsidize the internet service fees charged by the internet shops and cafes for the use of its establishments as distance education centers.

It is expected that through this proposed measure, there will be substantial improvement in the performance of students in the public high schools. A 2009 U.S. Department of Education Study revealed that on average online students out performed those receiving face-to-face instruction. It is a good bet that in 10 years time students will not be getting their education in a classroom. At the same time, the problem of shortage of teachers and classrooms will be properly addressed if we turn to ICT to provide us a solution. It should stand to reason that computer shop and internet cafes can be turned into classrooms, to help address the shortage of teachers and classrooms.

In view of the foregoing, immediate approval of this measure is highly recommended.



SIGFRIDO R. TINGA
Representative
2nd District, Taguig City

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HOUSE BILL NO. **3506**

Introduced by Hon. SIGFRIDO R. TINGA

AN ACT

ALLOWING FOR THE USE OF INTERNET SHOPS AND CAFÉS AS
DISTANCE EDUCATION CENTERS TO STREAM ONLINE
SECONDARY COURSE INSTRUCTIONS, LESSONS AND
MATERIALS FOR PUBLIC HIGH SCHOOL STUDENTS AND
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
“*Distance Education Centers Act of 2010.*”

SEC. 2. *Declaration of Policy.* – It is hereby declared policy of the
State to widen access and further democratize educational opportunities for
our people in a more effective and accessibility through utilization of
innovative online education. Toward this end, the State shall require all
internet shops and cafés to allow their establishments to be used as distance

education centers to stream online secondary course instructions, lessons and materials to be accessed by public high school students.

SEC. 3. *Definition of Terms.* – As used in this Act:

a) *Accredited Internet Shop or Café* – refers to an internet shop or café that has been authorized and approved by the Distance Education Commission to serve as a distance education center;

b) *Internet Service Provider (ISP)*, – also sometimes referred to as an *Internet Access Provider (IAP)* - refers to a provider of the necessary technical means:

i. Online services or network access, or the operator of facilities thereof, including entities offering the transmission, routing, or providing of connections for online communications, digital or otherwise, between or among points specified by a user, of electronic documents of the user's choosing; or

ii. The necessary technical means by which electronic documents of an originator may be stored and made accessible to a designated or undesignated third party;

c) *Distance education* – refers to a method of learning and teaching employing print, radio, television, computer-based communications, satellite broadcasting, teleconferencing or other educational technologies that allows students to study on their own without having to regularly attend classes in conventional classrooms;

d) *Internet shop or café* – refers to a place of business that has a number of networked personal computers with access to the internet for

surfing, chatting, e-mailing and research and available for use by customers for a fee by the hour or fraction of an hour; and

e) *Internet* – refers to the worldwide system of computer networks in which a user at any one computer can directly get information from any other computer in the network.

f) *Commission* – refers to the Distance Education Commission which will be created by virtue of this Act.

SEC 4. *Accreditation Process.* – The internet shop or café desiring to participate and avail of incentives as set forth below shall go thru the proper accreditation process as determined by a special Distance Education Commission which will be created by virtue of this Act.

SEC. 5. *Distance Education Centers.* – All accredited internet shops and cafés shall be used as distance education centers to stream online public secondary course instructions, lessons or materials posted by the teachers or instructors on their respective school website for their high school students to have free access to the public course instruction, lessons and materials on the internet.

For this purpose, the internet shop or café shall be required to reserve time slots as determined by the Commission to be used exclusively by the public high school students.

SEC. 6. – *Distance Education Commission.* - A special Distance Education Commission is hereby created to administer and implement the provisions of this Act, formulate the materials, tools and protocol on the implementation of electronic learning, and to monitor and ensure

compliance of the distance education centers with the standards to be set by the Commission. The Commission shall be attached to the Department of Education. The Commission shall have as its Chairman an Undersecretary of the Department of Education, and will have 6 other members; 3 coming from the Department of Education; and 3 coming from the Commission on Information and Communication Technology.

Upon accreditation as a Distance Education Center by the aforementioned Commission, the said internet shop/café shall be exempt from payment of any and all national and local fees and taxes.

SEC. 7. *Student Instruction.* – Internet shops and cafés shall be used as distance education centers by the public high school students only during the scheduled time reserved for the purpose to be determined by the Distance Education Commission in consultation with the Bureau of the Secondary Education of the Department of Education. Any high school student who shall enter such distance education centers is required to present a school Identification Card and class schedule. The class schedule must be issued by the school registrar's office.

In order to monitor and record the attendance of the students, the internet shops and cafés shall be required to maintain a logbook in which the students are required to log-in their attendance, the number of minutes or hours they used the internet service and other entries to be determined by the Distance Education Commission.

During the conduct of the class, the internet café as a Distance Education Center shall prevent the usage of the computers for social networking as well as economic transactions online. The students' online

activity shall be limited to the course instruction and materials and research only.

Section 8. – *Presence of Instructor/Teacher.* - A teacher accredited by the Commission must also be present during the school hours of the Distance Education Center. The teacher may come from the private schools and may be paid through the Teacher Salary Subsidy (TSS) as provided by Republic Act 8545(amending R.A. 6728), otherwise known as the “Expanded Government Assistance to Students and Teachers in Private Education” (GASTPE).

SEC. 9. *Internet Service Fee.* – The regular internet service fee charged by the accredited internet shops and cafés to its customers, used as distance education centers shall be paid by the Department of Education distance education centers through its Educational Voucher System as provided by Republic Act 8545 (amending R.A. 6728), otherwise known as the “Expanded Government Assistance to Students and Teachers in Private Education” (GASTPE). The fees to be charged by the Distance Education Center per student, shall be determined by the Distance Education Commission.

SEC. 10. *The Internet Service Providers.* – The internet service providers shall provide free transmissions of the course instructions, lessons or materials from the school website to the accredited internet shops and cafés during the time slots reserved for high school students so as to have free access to their respective class instructions, lessons and course materials posted by their instructors or teachers in their school website.

SEC. 11. *Tax Deductions.* – The internet service providers may claim the total expenses incurred in providing free transmissions provided in Section 8 of this Act as tax deductions: *Provided,* That the total expenses shall be allowed as deductions from the internet service providers' gross income for the same taxable year as expenses incurred for the free internet service: *Provided, further,* That the total amount of the claimed tax deductions net of VAT, if applicable, shall be included in their gross income or revenues from their business of internet service for tax purposes and shall be subject to proper documentations and to the provisions on allowable deductions covered by Chapter VII of the National Internal Revenue Code (NIRC) as amended.

SEC. 12. *Regular Inspection or Visit.* – The inspection team composed of representatives from the Distance Education Commission and the Commission of Bureau of Secondary Education of Department of Education, with assistance if needed from the Office of the City or Municipal Mayor and the local Philippine National Police; shall conduct regular inspection of the internet shops and cafés during the time they are operating as distance education centers.

In case of complaints from any high school student or any concerned citizen against the internet shop or café who violates the provisions of this Act, the inspection team shall act within seven (7) days and submit a report to the Distance Education Commission and the Department of Education for appropriate action not later than fifteen (15) days from the first inspection day.

SEC. 13. **Penalties.** – Any person or owner of internet shops or cafés who shall, willfully or unlawfully refuse to allow their establishments to be used as distance education centers, upon conviction, be punished with imprisonment of not less than three (3) years but not more than five (5) years or a fine of not less than Ten Thousand pesos (Php10,000.00) but not more than Twenty Thousand pesos (Php20,000.00), or both at the discretion of the court.

Any person, firm, partnership or corporation engaged in this business of internet service provider who shall violate the provisions of this Act be, upon conviction, punished with the following penalties:

- a) Fine of Fifty Thousand pesos (Php50,000.00) for the first offense;
- b) Fine of One Hundred Thousand pesos (Php100,000.00) for the second offense;
- c) Imprisonment ranging from one (1) month to six (6) months and a fine of One Hundred Thousand pesos (Php100,000.00) for the third offense; and
- d) Revocation and cancellation of the business license or franchise of the firm, partnership or corporation and a fine of Five Hundred Thousand pesos (Php500,000.00) for the fourth offense.

The penalty of imprisonment shall be imposed on the president, general manager, treasurer or other duly appointed officer of the firm, partnership or corporation.

Finally, if the offender is an alien, he shall be deported immediately, without further proceedings, after service of sentence.

SEC. 14. *Implementing Rules and Regulations.* – The Secretary of Education shall, in consultation with the Commission on Information and Communication Technology (CICT) and the Department of Trade and Industry and Bureau of Internal Revenue, promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 15. *Appropriations.* – The amount necessary for the effective implementation of this Act shall be charged to the current appropriations of the Department of Education. Thereafter, such sum as may be necessary for the continued operation of the free internet service to the public high school students shall be included in the annual General Appropriations Act.

SEC. 16. *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. 17. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,



SIGFRIDO R. TINGA
Representative
2nd District, Taguig City