

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

COMMITTEE REPORT NO. 830

Submitted by the Committee on Higher and Technical Education on 23 MAR 2011

Re: House Bill No. 4466

Recommending its approval, in substitution of House Bill No. 2092

Sponsors: Representatives Juan Edgardo M. Angara & Mark Aeron H. Sambar

Mr. Speaker:

The Committee on Higher and Technical Education, to which was referred:
House Bill No. 2092 introduced by Rep. Mark Aeron H. Sambar, entitled:

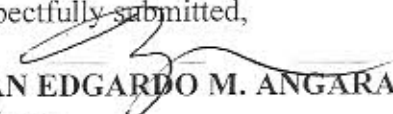
“AN ACT REQUIRING INSTITUTIONS OF HIGHER EDUCATION TO DISCLOSE
PARTICIPATION AND PROGRAM SUPPORT EXPENDITURES IN COLLEGE
ATHELTIC PROGRAMS,”

has considered the same and recommends that the attached House Bill No. 4466,
entitled:

“AN ACT
REQUIRING HIGHER EDUCATION INSTITUTIONS TO REPORT
PARTICIPATION AND PROGRAM SUPPORT EXPENDITURES IN ALL COLLEGE
ATHLETIC PROGRAMS,”

be approved in substitution of House Bill No. 2092 and with Representatives Mark Aeron H. Sambar, Juan Edgardo M. Angara, Maximo B. Dalog, Pryde Henry A. Teves, Mariano U. Piamonte Jr., Raymond V. Palatino, Carlos M. Padilla, Pangalian M. Balindong and Irvin M. Alcala as authors thereof.

Respectfully submitted,


JUAN EDGARDO M. ANGARA
Chairman
Committee on Higher
& Technical Education

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 4466
(In substitution of House Bill No. 2092)

Introduced by Representatives Mark Aeron H. Sambar Juan Edgardo M. Angara,
Maximo B. Dalog, Pryde Henry A. Teves, Mariano U. Piamonte Jr., Raymond V.
Palatino, Carlos M. Padilla, Pangalian M. Balindong & Irvin M. Alcala

AN ACT
REQUIRING HIGHER EDUCATION INSTITUTIONS TO REPORT PARTICIPATION
AND PROGRAM SUPPORT EXPENDITURES IN ALL COLLEGE ATHLETIC
PROGRAMS

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

1 **SECTION 1. Short Title.** This Act shall be known as the Athletic Programs Report
2 Act of 2011.

3
4 **SEC. 2. Declaration of Policy.** It is the policy of the State to promote physical
5 education and encourage sports programs, league competitions and amateur sports,
6 including training for international competitions, to foster self-discipline, teamwork,
7 and excellence for the development of a healthy and alert citizenry. All educational
8 institutions are also mandated to undertake regular sports activities throughout the
9 country in cooperation with athletic clubs and other sectors. In pursuit of these
10 objectives, equal opportunities should be provided to both male and female athletes.

11
12 **SEC. 3. Definition of Terms.** For purposes of this Act, the following terms shall
13 mean:

14
15 (A) *Chairperson* shall refer to the Chairperson of the Commission on Higher
16 Education (CHED);

17
18 (B) *Higher Education Institution* shall refer to an educational institution
19 engaged in educating individuals in the college level which offers courses in
20 pursuit of a specialized field or line of profession;

21
22 (C) *National Sports Associations* shall refer to various national sports
23 associations accredited by the Philippine Sports Commission;
24

1 D) *Program Support Expenditures* shall refer to operating, scholarship and
2 other expenditures incurred by the HEI in organizing an athletic team and
3 participating in an athletic program;

4
5 E) *Operating Expenses* shall refer to non-scholarship expenditures incurred in
6 operating an athletic team; and
7

8 F) *College Athletic Programs* shall refer to college or university sports
9 programs, league competitions, amateur sports, and other sports activities,
10 including training for international competitions, organized by the HEI or
11 participated in by a team of students representing the HEI.
12

13 **SEC. 4. Disclosure of Athletic Program Participation Rate and Financial**

14 **Support.** Each higher education institution (HEI) which participates in any athletic
15 program recognized by the CHED and has an intercollegiate athletic program, shall
16 submit, on an annual basis, a report to the Chairperson containing the following data
17 on each program:
18

19 (1) the total number of participants in the athletic program and their gender;
20

21 (2) the ratio of male participants to female participants in the entire athletic
22 program;
23

24 (3) the total operating expenses for the sports program;
25

26 (4) the total scholarship expenditures vis-a-vis the total number of participants;
27

28 (5) the ratio of male scholarship expenses to female scholarship expenses in
29 the entire athletic program.
30

31 (6) the total number of contests participated in by the team;
32

33 (7) the gender of the head coach and if working full-time or part-time;
34

35 (8) the number of assistant coaches and their gender and if full-time or part-
36 time;
37

38 (9) the number of graduate assistant coaches and their gender;
39

40 (10) the number of volunteer assistant coaches and their gender;
41

42 (11) the ratio of participants to coaches; and
43

44 (12) the level of participation of National Sports Associations (NSAs), including
45 the number of athletes registered with the different NSAs.
46

1 The HEI shall be required to make available to the public the information
2 contained in the report submitted to the CHED through publication in any of the
3 following: online via the website of the institution; the local school paper; bulletin
4 boards in the campus premises; and other schemes to disseminate information.

5
6 **SEC. 5. Publication Duty of the CHED.** The CHED shall be required to compile and
7 publish annually in its website or in a newspaper of general circulation the reports
8 containing the information collected from the HEIs, including the athletic
9 conferences recognized by intercollegiate athletic associations and participated in
10 by the HEIs.

11
12 **SEC. 6. Reportorial Requirement.** The CHED shall submit the reports compiled
13 under Section 4 of this Act to Congress on an annual basis.

14
15 **SEC. 7. Sanctions.** Pursuant to Section 8 of Republic Act No. 7722, otherwise
16 known as the Higher Education Modernization Act of 1994, the CHED shall impose
17 disciplinary sanctions against an official or employee of a HEI violating Section 4 of
18 this Act.

19
20 **SEC. 9. Separability Clause.** If any provision or part thereof is held invalid or
21 unconstitutional, the same shall not affect the validity and effectivity of the other
22 provisions.

23
24 **SEC. 10. Repealing Clause.** All laws, executive orders, decrees, instructions, rules
25 and regulations contrary to or inconsistent with any provision of this Act are hereby
26 amended, repealed or modified accordingly.

27
28 **SEC. 11. Effectivity Clause.** This Act shall take effect fifteen (15) days after its
29 publication in at least two (2) newspapers of general circulation.

30
31 *Approved,*

FIFTEENTH CONGRESS

First Regular Session

House Bill No. **2092**

Introduced by **Hon. Mark Aeron H. Sambar**

EXPLANATORY NOTE

The Constitution, Article 14, Section 19 provides:

SEC. 19. (1) The State shall promote physical education and encourage sports programs, league competitions, and amateur sports, including training for international competitions, to foster self-discipline, teamwork, and excellence for the development of a healthy and alert citizenry.

(2) All educational institutions shall undertake regular sports activities throughout the country in cooperation with athletic clubs and other sectors.

Active participation in sports teaches our youth values such as teamwork, handling challenges, and overcoming obstacles. Sports keep the mind mentally and physically fit. Learning institutions should inform prospective students of their athletic programs in order for prospective students to make an informed judgment of whether to enroll in the school or not. Hence, this bill will require institution of higher education to disclose participation and program support expenditures in college athletic programs.

In view of the foregoing circumstances, approval of this bill is urgently requested.


HON. MARK AERON H. SAMBAR
Representative, Pwersa ng Bayaning Atleta Party List

1 (B) "Institution of higher education" means an educational institution engaged in
2 educating individuals in the college level which offers courses in pursuit of a
3 specialized field or line of profession; and

4 (C) "Operating expenses" means non-scholarship expenditures incurred in operating an
5 athletic team.

6 SECTION 4. *Disclosure of Athletic Program Participation Rates and Financial Support.*

7 - Each institution of higher education which participates in any athletic program recognized by
8 the Department of Education and has an intercollegiate athletic program, shall annually submit a
9 report to the Secretary:

10 (A) For each men's team, women's team, and any team that includes male and female
11 athletes, the following data:

- 12 (1) the total number of participants and their gender;
- 13 (2) the total scholarship expenditures;
- 14 (3) a figure that represents the total scholarship expenditures divided by the total
15 number of participants;
- 16 (4) the total number of contests for the team;
- 17 (5) the total operating expenses for the team;
- 18 (6) the total recruiting expenses for the team;
- 19 (7) the total personnel expenses for the team;
- 20 (8) whether the head coach is male or female and whether the head coach is full
21 time or part time;
- 22 (9) the number of assistant coaches that are male and the number of assistant
23 coaches that are female and whether each particular coach is full time or part
24 time;
- 25 (10) the number of graduate assistant coaches that are male and the number of
26 graduate assistant coaches that are female;

(11) the number of volunteer assistant coaches that are male and the number of volunteer assistant coaches that are female;

(12) the ratio of participants to coaches;

(13) the full compensation of the head coach;

(14) the full compensation of the assistant coaches; and

(B) A statement of the following:

(1) the ratio of male participants to female participants in the entire athletic program; and

(2) the ratio of male scholarship expenses to female scholarship expenses in the entire athletic program.

SECTION 5. *Disclosure to Prospective Students.* – When an institution of higher education offers admission to a potential student, such institution shall provide to the student the information contained in the report submitted by such institution to the Secretary under the preceding section.

SECTION 6. *Disclosure to the Public.* – An institution of higher education must make available to the public, upon request, the information contained in the report submitted by such institution to the Secretary under Section 4.

SECTION 7. *Secretary of Education's Duty to Publish a Report.* – On an annual basis, the Secretary, using the reports submitted under this Subsection, shall compile and publish a report containing the information collected broken down by the individual institutions, and by the athletic conferences recognized by intercollegiate athletic associations in which the individual institutions participate.

SECTION 8. *Reports to Congress.* – The Secretary shall submit the reports compiled under Section 4 to Congress on an annual basis.

1 SECTION 9. *Separability Clause.* – If any provision or part hereof, is held invalid or
2 unconstitutional, the remainder of the law or provision not otherwise affected shall remain valid
3 and subsisting.

4 SECTION 10. *Repealing Clause.* – Any law, presidential decree or issuance, executive
5 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
6 with the provision of this Act is hereby repealed, modified or amended accordingly.

7 SECTION 11. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
8 publication in at least two (2) newspapers of general circulation.

Approved,

FACT SHEET

Substitute Bill to House Bill No. 2092

AN ACT REQUIRING HIGHER EDUCATION INSTITUTIONS TO REPORT PARTICIPATION AND PROGRAM SUPPORT EXPENDITURES IN ALL COLLEGE ATHLETIC PROGRAMS

Introduced by: Rep. MARK AERON H. SAMBAR

Committee Referral: COMMITTEE ON HIGHER AND TECHNICAL EDUCATION

Committee Chairperson: JUAN EDGARDO M. ANGARA

Objective:

- To encourage college students to participate in regular sports programs, league competitions, amateur sports and other sports activities undertaken by higher education institutions (HEIs) by making information about the athletic programs and the expenditures of the HEI available to the public.

Key Provisions:

- Provides that HEIs which participate in any athletic program recognized by the Commission on Higher Education (CHED) and has an intercollegiate athletic program shall submit, on an annual basis, a report to the CHED Chairperson containing the following: the total number of participants in the athletic program and their gender; the ratio of male participants to female participants in the entire athletic program; the total operating expenses for the sports program; the total scholarship expenditures vis-a-vis the total number of participants; the ratio of male scholarship expenses to female scholarship expenses in the entire athletic program; the number of contests participated in by the team; and the ratio of participants to coaches, among others.
- Requires the CHED to compile and publish annually the information collected from HEIs, including the athletic conferences recognized by intercollegiate athletic associations and participated in by the HEIs.

Related Laws:

- Batas Pambansa 232 (Education Act of 1982)
 - Republic Act 7722 (Higher Education Act of 1994)
-

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

MINUTES OF THE MEETING OF THE COMMITTEE ON HIGHER AND TECHNICAL EDUCATION (CHTE) HELD ON MARCH 14, 2011 AT 9:30 A.M., CONFERENCE ROOMS 1 AND 2, RV MITRA BUILDING, HOUSE OF REPRESENTATIVES, QUEZON CITY

I. CALL TO ORDER

Rep. Juan Edgardo Angara, Chairman of the CHTE, called the meeting to order at 10:05 A.M.

II. ROLL CALL AND APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

The Committee dispensed with the calling of the roll and thereafter approved the minutes of the previous meeting. Thereafter, the Committee Secretary acknowledged the presence of guests, namely: Atty. Bu Castro from the Philippine Hospital Association (PHA) and Private Hospitals Association of the Philippines (PHAP); Ms. Linda Buhat from the Association of Nursing Service Administrators of the Philippines (ANSAP); Ms. Teresita Barcelo from the Philippine Nurses Association (PNA); Dean Elizabeth Roxas from the Association of Dean of Philippine Colleges of Nursing (ADPCN); Mr. Jimmy Soria from the Philippine Association of State Universities and Colleges (PASUC); Dr. Carmelita Divinagracia from the Commission on Higher Education (CHED) Technical Committee on Nursing Education; Ms. Ruth Padilla from the Department of Health (DOH); Ms. Elsa Florendo from CHED; Ms. Yerma Saulon from the Technical Education and Skills Development Authority (TESDA); Mr. Alvin Cloyd Dakis from the Association of Young Nurse Leaders (AYNL); Ms. Vanessa Bolibol from the National Union of Students of the Philippines (NUSP); and Professional Regulation Commission (PRC) Secretary Teresita Manzala.

III. CONTINUATION OF DELIBERATION ON HB 2092 (AN ACT REQUIRING INSTITUTIONS OF HIGHER EDUCATION TO DISCLOSE PARTICIPATION AND PROGRAM SUPPORT EXPENDITURES IN COLLEGE ATHLETIC PROGRAMS by REP. SAMBAR)

Prior to approving the substitute bill to HB 2092, Rep. Piamonte proposed that under Section 4 of the bill, on the submission of the annual report, CHED should prepare a standardized format of data that will include all the basic information needed so that they can easily tally and make the consolidated report. He also asked that all Members present be made as co-authors of the bill. The Chair then motioned to approve the substitute bill, seconded by Rep. Teves, and gave instructions to the Secretariat to prepare the Committee Report subject to the changes proposed by Rep. Piamonte.

IV. INITIAL DELIBERATION ON HR 162 (RESOLUTION DIRECTING THE COMMITTEE ON HIGHER AND TECHNICAL EDUCATION TO INQUIRE INTO THE PROBLEMS AFFECTING NURSING GRADUATES, NURSING STUDENTS AND NURSING SCHOOLS by REP. ALCALA) AND HR 434 (RESOLUTION DIRECTING THE

COMMITTEE ON HIGHER AND TECHNICAL EDUCATION TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE FEES CHARGED BY HOSPITALS ON NURSING STUDENTS FOR THEIR ON-THE-JOB TRAINING AND OTHER SIMILAR INTERNSHIP PROGRAMS by REP. PALATINO)

The Chair suggested tackling the two resolutions together since one is of a general nature and the other is of a specific nature.

After stating the salient points in his resolution, Rep. Alcala thanked the Committee for giving the time to hear out the issues affecting the nursing education, emphasizing that the proliferation of unemployed nursing graduates is a problem that affects the whole country. In fact, he said that even President Aquino mentioned this in his SONA speech.

Rep. Palatino, for his part, said that his resolution is about "volunteerism for a fee" program. He explained that there are certain hospitals and schools that allegedly charge excessive fees to nursing graduates and students for their internship programs where they render actual work. In fact, he claimed that many students have approached his office complaining about the excessive fees being charged by certain hospitals. Some of these fees are the related learning experience (RLE) fee, affiliation fee, the fees that some hospitals charge for their clinical instructors, and that the students are required to bring their own gloves and syringe during their training.

In line with this, Rep. Palatino inquired whether the CHED is aware of this practice by some hospitals of collecting excessive fees and whether the CHED has any plans of regulating the collection of miscellaneous fees. He likewise asked representatives of the different nursing organizations of their plans to improve the welfare of nursing students and graduates. He pointed out that the proliferation of many nursing schools in the country, but with only a few hospitals, allow some hospitals to implement programs which are not beneficial to nursing students.

Replying to Rep. Palatino's queries, Ms. Florendo informed the Body that CHED, together with the Technical Panel members for the health profession, has already drafted a set of guidelines that would standardize the affiliation fees and other charges. However, she said that it would still be subjected to a public hearing, and that they are hoping to have it done within the next 6 months.

Reacting to Ms. Florendo's information, Rep. Alcala lamented that 6 months is too long of a time for the CHED to come up with a set of guidelines, considering that the new school year will start in June. He then urged the agency to fast-track the conduct of the public hearing.

On Rep. Palatino's query on the number of nursing schools operating in the country today, Ms. Florendo replied that currently, there are a total of 491 nursing institutions nationwide, both private and public. But in 2010, she said that the CHED issued a moratorium on the opening of undergraduate and graduate programs which the CHED believes are oversubscribed, and these include nursing.

For their part, Atty. Bu Castro disclosed that the PHA and the PHAP have already directed all its members to defer for the meantime the conduct of volunteer training until a

set of guidelines has been approved for implementation. He also apprised the Committee of PHA's and PHAP's proposal to sit down with the PNA, NSAP, ADPCN, DOH and CHED to craft the following: 1) a module for training of nurses, both undergraduates and graduates, which contain the content of the training itself, the determination of the level of competence of each of the undergraduates and fresh graduates, costing of the training, the compensation of nurse trainers, and the limitations of hospitals in accepting trainees; and 2) the creation of a council that will oversee and supervise the training programs to be crafted according to the module suggested.

Meanwhile, Ms. Elizabeth Roxas of the ADPCN expressed her appreciation to the authors for showing their concern on the issues confronting nursing students. With regards to the RLE program of students, she clarified that the hospital is not the only setting where students may be subjected to RLE exposure. They may do it in the community, she said, where they can focus on providing primary health care to the community, or to schools, where they can provide health services to school children.

On the arrangement of schools with respect to RLE exposure in hospitals, Ms. Roxas stated that they are guided by CMO 14 which is the new standard for nursing education issued by the CHED. She explained that schools in a certain region utilize hospitals or health facilities as base hospitals for the RLE exposure of their students, provided that these hospitals have a 100-bed capacity. These base hospitals are usually located in the region where the nursing school is located. As a reply to a query of the Chair if it will not be a disadvantage to students who come from regions where there are no hospitals, Ms. Roxas said that once a nursing school is allowed to open, part of the guidelines is that the school must have an affiliating agency where the students can have their RLE exposure. This was confirmed by Ms. Florendo, saying that as part of the assessment that they conduct, they also evaluate the base hospital where the school will be sending their students for training.

At this point, Rep. Dalog inquired on whether hospitals follow guidelines on the charging of affiliation fees. Ms. Linda Buhat of the ANSAP replied that the DOH has an existing Administrative Order on how much should be charged on affiliation fees. But since the AO is outdated, she admitted that most hospitals charge more than what the DOH has required.

As a follow-up question, Rep. Dalog asked if there is a basis on the charging of volunteerism fee. Ms. Teresita Barcelo of the PNA answered that this is really the issue which they in the PNA actually oppose. She argued that the practice of charging fees to volunteer nurses for rendering an 8-hour regular staff work without even an allowance runs counter to RA 9418, or the Volunteer Act. Under this law, she stated that volunteers are not charged but are instead given incentives and allowances. In view of this matter, Rep. Dalog urged the Body to put a stop to this practice the soonest possible time.

In connection with this, Ms. Ruth Padilla of the DOH opined that the student may have confused volunteerism with attending a training program where they are required to pay a training fee conducted in the institution where they volunteered. She mentioned that in some of the reports submitted to them by the Alliance of Young Nurses, there were nurses who volunteered their services in an institution and at the same time attended a training program in the same institution where they were required to pay. She said that

the fees that they are referring to might be the training fees that they are paying for attending a training program in that institution.

She, however, asked the Committee enough time for the DOH to evaluate and investigate the allegations. In fact, she said, the DOH Secretary has already formed a Fact-Finding Committee to gather all the evidences. She also assured everyone that the DOH is willing to address the problem, adding that the problem of having an oversupply of nurses may have driven some to volunteer their services. She reported that based on the figures submitted by the PNA as of December 2010, there are currently 160,000 unemployed nurses, excluding those who passed the December 2010 Board Exams. She promised to furnish the Committee with the result of their investigation and their recommendations.

At this juncture, Rep. Teves suggested checking if there are ordinances supporting such collection of fees, since many hospitals are being run by local government units.

As to the plans on improving nursing education, Ms. Roxas conveyed to the Body that their faculty members regularly undergo training and re-training on the different expertise that they are teaching, adding that they strictly implement the required master's degree in nursing. She also stated that their organization is of the same opinion with CHED on the issue of moratorium and the importance of compliance with policies and standards, emphasizing on the need for a well-planned RLE program.

For her part, Dr. Divinagracia of the CHED Technical Panel on Nursing Education, stressed that the nursing program is a community-oriented competency-based curriculum, that is why students are exposed both in the hospital and community settings. On the number of hours the students are spending vis-à-vis the RLEs, she explained that the total RLE exposure of students in terms of units is 46 RL unit exposure which is equivalent to 2,346 hours, with 60% spent in the hospitals and 40% in the community.

Rep. Teves agreed with Ms. Roxas that the RLE program must be well-planned and well-managed. He then advised CHED to be very strict in monitoring the RLE program.

Ms. Florendo noted that the CHED Chair has already instructed to do an extensive monitoring of all existing higher education institutions (HEIs) in the country. She mentioned that they are currently making a list of all HEIs based on their licensure performance over the past 3 to 5 years.

Meanwhile, NUSP's Ms. Vanessa Bolibol lauded the filing of the 2 resolutions. She likewise expressed hope that the guidelines be implemented before the start of the school year.

Responding on a question by Rep. Piamonte on the average passing rate of examinees, PRC Chair Teresita Manzala answered that last December 2010's passing rate is 35.25%, the lowest since the licensure exam for nurses began. She said that there were 84,000 examinees, with 41,000 first timers and 43,000 repeaters and out of the 84,000 examinees, only 29,000 passed. She promised to submit an assessment report of

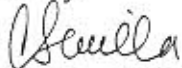
the different HEIs that have been consistently getting a low passing average in the Board exams.

At this point, the Chair requested the different agencies and organizations present to submit their respective position papers on the matter, taking into account all the issues presented such as their plans on how to improve the quality of schools, the mismatch between the rural health needs of the public vis-à-vis the supply of nurses, and what to do with the many unemployed nurses. He also instructed the CHED to furnish the Committee with a draft of the guidelines on the standardization of fees, as well as a complete listing and information on the 491 nursing HEIs, both public and private, whether they represent the SUCs or the LGUs and a geographical data of each school. He also asked for data on the low-performing and non-performing schools, how many schools have been given warning or ordered to phase-out, and to include whether the schools are accredited by any agency. Finally, he asked the ADPCN for a complete list of its members.

Rep. Padilla, meanwhile, presented to the Committee a news article about a volunteer nurse who died while on duty. He urged the Committee to investigate on the matter. Since the article was written in the Ilocano dialect, the Chair asked Rep. Padilla to furnish the Body with a copy and then have it translated for it to be discussed in the next meeting.

Due to time constraints, the Chair deferred further discussions on the topic until the next meeting. There being no other matters to discuss, the meeting was adjourned at 12:18 PM.

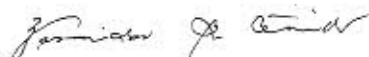
Prepared by:



CRISTINA C. SEVILLA

Supervising Legislative Staff Officer I

Certified Correct:



ZENAIDA B. CENIDO

Acting Committee Secretary

Noted by:

ORIGINAL SIGNED

REP. JUAN EDGARDO M. ANGARA

Chairperson, CHTE