

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

COMMITTEE REPORT NO. 1247

Submitted by the Committee on Higher and Technical Education on 22 JUN 2011

Re: House Bill No. 4883

Recommending its approval, in substitution of House Bill Nos. 400, 835 & 1660

Sponsors: Representatives Juan Edgardo M. Angara and Mark A. Villar

Mr. Speaker:

The Committee on Higher and Technical Education, to which were referred:
House Bill No. 400, introduced by Rep. Juan Edgardo M. Angara, entitled:

“AN ACT TO REQUIRE AN INDEPENDENT EVALUATION OF DISTANCE
EDUCATION PROGRAMS”;

HB No. 835, introduced by Rep. Mark A. Villar, entitled:

“AN ACT TO IMPROVE ACCESS TO EDUCATION THROUGH OPEN
LEARNING AND DISTANCE EDUCATION IN POST SECONDARY AND
TERTIARY LEVELS IN THE PHILIPPINES, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES”; and

HB No. 1660, introduced by Reps. Rufus B. Rodriguez and Maximo B. Rodriguez, entitled:

“AN ACT TO IMPROVE ACCESS TO EDUCATION THROUGH OPEN LEARNING
AND DISTANCE EDUCATION IN POST SECONDARY AND TERTIARY LEVELS
IN THE PHILIPPINES, APPROPRIATING FUNDS THERFOR AND FOR OTHER
PURPOSES”

has considered the same and recommends that the attached House Bill No. 4883,
entitled:

“AN ACT

TO EXPAND ACCESS TO EDUCATION THROUGH OPEN LEARNING AND DISTANCE EDUCATION IN POST-SECONDARY AND TERTIARY LEVELS OF EDUCATION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES "

be approved in substitution of House Bill Nos. 400, 835 and 1660 with Representatives Mark A. Villar, Rufus B. Rodriguez, Maximo B. Rodriguez, Juan Edgardo M. Angara, Marcelino C. Teodoro, Luis R. Villafuerte, Mark Aeron H. Sambar, Aurora Enerio-Cerilles, Maria Carmen Zamora-Apsay, Tomas V. Apacible, Jane T. Castro, Joseph Victor G. Ejercito, Salvador H. Escudero III, Monique Yasmin Q. Lagdameo, Jocelyn S. Limkaichong, Mel Senen S. Sarmiento and Jerry P. Treñas as authors thereof.

Respectfully submitted,


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

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
Quezon City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4883

(in substitution of House Bill Nos. 835, 1660 & 400)

Introduced by: REPS. MARK A. VILLAR, RUFUS B. RODRIGUEZ, MAXIMO B. RODRIGUEZ, JR., JUAN EDGARDO M. ANGARA, MARCELINO R. TEODORO, LUIS R. VILLAFUERTE, MARK AERON H. SAMBAR, AURORA ENERIO-CERILLES, MARIA CARMEN ZAMORA-APSAY, MARIANO U. PIAMONTE, TOMAS V. APACIBLE, JANE T. CASTRO, JOSEPH VICTOR G. EJERCITO, SALVADOR H. ESCUDERO III, MONIQUE YASMIN Q. LAGDAMEO, JOCELYN S. LIMKAICHONG, MEL SENEN S. SARMIENTO AND JERRY P. TREÑAS

AN ACT

TO EXPAND ACCESS TO EDUCATION THROUGH OPEN LEARNING AND DISTANCE EDUCATION IN POST-SECONDARY AND TERTIARY LEVELS OF EDUCATION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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 “Open Learning and
2 Distance Education Act of 2011.”

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 expand and further democratize access to quality education at the post-secondary
5 and tertiary levels through the promotion and application of open learning as a
6 philosophy of access to educational services, and the appropriate, efficient and
7 effective implementation of distance education as a system of delivering quality
8 post-secondary and tertiary educational services in the country.
9

10 SEC. 3. *Coverage.* This Act shall apply to public and private higher education
11 institutions (HEIs) and post-secondary technical/vocational schools in the
12 Philippines which have existing open learning and distance education programs,
13 and to other tertiary and technical/vocational institutions which shall later be
14 authorized as qualified implementors of open learning and distance education
15 programs.
16

17 SEC. 4. *Definition of Terms.* – For purposes of this Act, the following terms are
18 hereby defined:
19

- 20 (a) Open Learning – refers to a philosophy of learning that is quality-
21 assured, open to people, methods, places and ideas, and is highly
22 flexible and learner-centered, enabling the latter to learn at the
23 time, place and pace which satisfy the person's circumstances and
24 requirements;
25

- 1 (b) Distance Education – refers to a mode of educational delivery
2 whereby the teacher and learner are separated in time and space,
3 and the instruction is delivered through specially designed
4 materials and methods using appropriate technologies and
5 learning management systems and supported by organizational
6 and administrative structures and arrangements. It enables
7 learning to take place from a distance, virtually and differently from
8 the conventional classroom or traditional mode;
9
10 (c) Open University/College/Institution – refers to a higher education
11 institution
12 that is a separate, autonomous, and degree-granting academic
13 entity which employs operational procedures and strategies of an
14 open learning institution;
15
16 (d) Center/Institute/School of Distance Education – refers to a
17 subsidiary of a higher education institution (HEI) which offers
18 distance education programs, but is not qualified to be called an
19 Open University, and whose degrees are awarded by the HEI;
20
21 (e) Higher Education Institution - refers to an institution of higher
22 learning in the Philippines which primarily offers degree-granting
23 programs, including post-secondary degree granting vocational
24 and technical institution duly recognized by the Commission on
25 Higher Education (CHED) and the Technical Education and Skills
26 Development Authority (TESDA);
27
28 (f) Tertiary Education – refers to the higher learning level after high
29 school offering baccalaureate, graduate or post-graduate
30 programs;
31
32 (g) Post-Secondary Education - shall refer to non-degree technical-
33 vocational programs accredited by TESDA; and
34
35 (h) Technical-Vocational Programs - refers to post-secondary
36 certificate courses, officially recognized as non-degree programs
37 aimed at preparing technicians, paraprofessionals and other
38 categories of middle-level workers by providing them with a broad
39 range of general education, theoretical, scientific and technological
40 studies, and related job skills training.
41

42 **SEC. 5. Institutionalization of Distance Education.** – Distance education is
43 hereby institutionalized in the Philippines in accordance with the provisions of this
44 Act. Due diligence is likewise encouraged in seeing to it that equivalence or
45 comparability with existing standards in both the traditional/residential or alternative
46 education systems is ensured.
47

48 **SEC. 6. Admission and Other Academic Policies and Requirements.** –
49 Admission and other academic policies and requirements in HEIs offering tertiary
50 education through distance education programs shall be governed by a set of
51 policies, standards and requirements set for tertiary education by duly authorized
52 academic bodies such as Board of Regents/Trustees, University/Faculty Councils,
53 and/or the Commission on Higher Education, and for technical-vocational courses
54 in the post secondary level by the Technical Education and Skills Development
55 Authority such as, but not limited to, the following:

1
2 (a) Completion of secondary education;

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4 (b) Passing an entrance examination given by the HEI or post-
5 secondary school; and

6
7 (c) Compliance with the other admission requirements of the
8 admitting higher education or post secondary institutions that are
9 instituted in accordance with the standards set by the CHED and
10 TESDA, respectively.

11
12 **SEC. 7. Program, Curriculum and Course Development Offerings and**
13 **Requirements.** – Course offerings and programs of distance education schools
14 should be comparable in standards, practice and policies to other HEIs. Curricula,
15 requirements for admission and graduation should also be at par with traditional or
16 conventional systems, and should similarly be subject to regulations by appropriate
17 authorities like CHED or TESDA.

18
19 There shall be defined a set of courses/subjects and/or examinations, and/or
20 special projects and activities, the completion of which shall be required for
21 graduation from the academic degree program, and which shall be equivalent to
22 those under the conventional mode of instruction. The following shall also be
23 considered:

24
25 (a) The place, pace, and mode of study of the student shall be at the option
26 and convenience of the student within the time frame as may be
27 prescribed by the learning institution: *Provided, That*, the content,
28 context and conduct of examination shall be determined by the
29 institution;

30
31 (b) The institution concerned shall formulate and implement a mechanism to
32 monitor the academic progress of the students;

33
34 (c) The curricular offerings using the open learning philosophy which are
35 offered through the distance education mode shall conform to respective
36 policies, standards, and guidelines for distance education of CHED and
37 TESDA;

38
39 (d) Completion of all the requirements for the academic program shall be
40 evidenced by the award of the appropriate academic degree; and

41
42 (e) For the practice of the profession for which one has acquired the necessary
43 academic credentials through distance education, the existing requirements of
44 passing a board examination shall apply.

45
46 **SEC. 8. Mode of Delivery.** Open Learning/Distance Education may be delivered
47 using information and communications technology and other approaches, such as
48 but
49 not limited, to the following:

50
51 (a) Print – textbooks, study guides, workbooks, course syllabi,
52 correspondence feedback, and other print formats;

53
54 (b) Audio-Visual – radio, audio cassettes, slides, film, videotapes,
55 television, telephone, fax, audio-conferencing, and video-conferencing;

(c) Electronic/Computer Technology and Virtual Classrooms – CD-ROM, electronic mail, e-bulletin boards, world-wide web, podcasts, m-learning, i-lectures, e-learning or online learning management systems; and

(d) Face-to-face sessions – conducted in learning and study centers.

SEC. 9. Support to Open Learning and Distance Education Programs. – The CHED, TESDA and the University of the Philippines Open University (UPOU) shall provide support to higher education institutions and post secondary schools in developing and providing high quality programs and offerings in open, distance and online learning. This support includes, among others:

- (a) Training of qualified teachers, providers and other professionals;
- (b) Curriculum, courseware and program development;
- (c) Cyber infrastructure planning, resource sourcing and implementation;
- (d) School operations and management planning and development, including support services, learning management systems, instructional design and development, and research on emerging technologies; and
- (e) Institutional linkages and networking.

SEC. 10. Support to Students. – Any student enrolled in open learning and distance education programs under the auspices of this Act shall have access to all privileges, opportunities and entitlements that a student similarly situated under the conventional system of instruction may have access to, including, but not necessarily be limited to, availment of scholarships, grants, and loans from the government or government-administered funding sources. Specifically, HEIs and post-secondary schools engaged in open learning and education programs shall be tasked to perform the following student support services:

- (a) Provide clear admission policies and procedures for applicants;
- (b) Maintain faculty-student dialogue and interactivity through virtual classrooms linked electronically or through established learning centers or both, whichever may be feasible, to ensure greater knowledge sharing, access to counseling and other support services;
- (c) Provide for an efficient and reliable communication system, feedback mechanism, especially on learners' academic progress, and multimedia support;
- (d) Show evidence of regular monitoring of learners' progress; and
- (e) Provide a wide range of relevant, updated and accessible learning resources that are easily accessible to students.

SEC. 11. Role of the University of the Philippines Open University. The University of the Philippines Open University, hereinafter referred to as the UPOU, shall be designated as the National Open University. As such, it shall:

- (a) Provide leadership in the development of open learning and distance education expertise in the country and in the appropriate use of information and communications technologies in support of quality higher education;
- (b) Promote best practices in open learning and distance education in the Philippines;
- (c) Share knowledge through informed and innovative research and other development activities related to distance education through its exemplar policies, programs, materials, learning management systems guidelines and offerings;
- (d) Provide technical assistance to CHED and TESDA on matters relating to distance education policies, guidelines and standards, particularly in implementing an accreditation system for open learning and distance education programs and institutions in the country;
- (e) Design model curricular programs which shall serve as prototype programs upon which similar programs to be offered by other HEIs in the country shall be patterned after;
- (f) Develop and promote appropriate information and communication technologies to facilitate quality open learning and distance education programs in the country;
- (g) Design and produce quality learning materials and objects, both in print and multimedia formats, for higher education and post-secondary instruction in the country;
- (h) Make instructional materials for distance education programs accessible to the public through collaborative arrangements and other appropriate mechanisms;
- (i) Assist other interested educational institutions in developing their distance education programs, courses, and materials for specific learner groups or the public at large; and
- (j) Design and implement a continuing program to develop high level expertise in the fields of open learning and distance education in the Philippines through quality formal academic degree programs and non-formal courses through either or both distance and face-to-face modes of instruction and training; and
- (k) Help capacitate distance education teachers and practitioners through capacity building and professionalization programs.

SEC. 12. Roles of the CHED and the TESDA. – The CHED and the TESDA shall be the respective regulators of HEIs and post-secondary schools involved in open learning and distance education. As such, they shall:

- (a) Formulate, promulgate, disseminate and implement the necessary policies, standards, guidelines, rules and regulations for the effective implementation of distance education in the country;

- 1 (b) Formulate and implement strategies to improve the quality of distance
2 education programs and implement a system of quality control for open
3 learning and distance education in the country;
4
5 (c) Monitor and evaluate existing open learning and distance education
6 programs and effect the continuation or closure of programs in
7 accordance with the provisions of the implementing rules and regulations
8 for distance education in the country;
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10 (d) Review and approve or disapprove proposals from higher education
11 institutions for the implementation of new distance education programs;
12 and
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14 (e) Recommend to the Department of Budget and Management (DBM) the
15 budget for distance education programs of qualified state higher
16 education institutions and public post secondary schools based on the
17 respective monitoring and evaluation results of the CHED and TESDA.
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19 **SEC. 13. Roles of Broadcast Media and Telecommunications Networks.** -
20 Broadcast media and telecommunications networks are encouraged to provide as
21 much assistance and cooperation to higher education institutions offering open
22 learning and distance education programs. Such assistance may include, but not
23 necessarily be limited to, the transmission of learning materials for formal and non-
24 formal courses to learners not only within the Philippines, but also outside the
25 country.
26

27 **SEC. 14. Independent Evaluation.** - In aid of better policy making, the CHED
28 and TESDA shall enter into an agreement with the Department of Science and
29 Technology (DOST) and other reputable research institutions to conduct an
30 independent evaluation of the state, regulatory governance, quality, concerns,
31 challenges and prospects of open learning and distance education in the
32 Philippines. It shall survey a diverse group of HEIs with respect to size, mission and
33 geographic distribution.
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35 **SEC. 15. Interim and Final Report.** The agreement under Section 14 shall
36 require that the DOST submit to the CHED Chair and the TESDA Director-General,
37 the Senate Committee on Education, Culture and the Arts, and the House Committee
38 on Higher and Technical Education the following:
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- 40 (a) An interim report regarding the evaluation under Section 14 not later
41 than six (6) months after the date of enactment of this Act; and
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43 (b) A final report regarding such evaluation not later than one (1) year
44 after the date of the enactment of this Act.
45

46 **SEC. 16. Tax Incentives.** - Any donation, contribution, bequest and grant, in
47 cash and/or services which may be made by individuals and organizations,
48 including, but not limited, to private entities such as private schools, broadcasting
49 companies, telecommunications networks which shall provide appropriate
50 materials, time and delivery support services for the promotion of open learning and
51 distance education in partnership with HEIs delivering academic degree programs
52 through distance education, shall be exempt from the donor's tax and the same
53 shall be considered as allowable deduction from the gross income in the
54 computation of the income tax of the donor in accordance with the provisions of the
55 National Internal Revenue Code of 1997, as amended.

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2 **SEC. 17. *Implementing Rules and Regulations.*** – The CHED, through its
3 Technical Panel for Distance Education, the Technical Education and Skills
4 Development Authority, and the UPOU, in consultation with relevant stakeholders in
5 higher and technical education, are hereby mandated to formulate the rules and
6 regulations to implement this Act within a period of ninety (90) days from the
7 effectivity thereof.
8

9 **SEC. 18. *Appropriations.*** – The amount necessary to carry out the provisions
10 of this Act shall be included in the respective budget of the CHED, TESDA, UPOU
11 and higher education institutions and post-secondary technical/vocational schools
12 which have existing open learning and distance education programs in the annual
13 General Appropriations Act.
14

15 **SEC. 19. *Separability Clause.*** - If any provision of this Act or any part thereof
16 be declared unconstitutional or invalid, the same shall not affect the validity of the
17 other provisions of this Act.
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19 **SEC. 20. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations or
20 parts thereof which are inconsistent with the provisions of this Act are hereby
21 repealed, amended or modified accordingly.
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23 **SEC. 21. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
24 publication in a newspaper of general circulation.
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26 *Approved,*
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FACT SHEET

House Bill No. 4883

(in substitution of HB Nos. 400, 835 & 1660)

AN ACT TO EXPAND ACCESS TO EDUCATION THROUGH OPEN LEARNING AND DISTANCE EDUCATION IN POST SECONDARY AND TERTIARY LEVELS OF EDUCATION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

*Introduced by: Representatives MARK A. VILLAR, RUFUS B. RODRIGUEZ,
MAXIMO B. RODRIGUEZ & JUAN EDGARDO M. ANGARA*

*Committee Referral: COMMITTEE ON HIGHER AND TECHNICAL EDUCATION
Committee Chairperson: JUAN EDGARDO M. ANGARA*

OBJECTIVES:

- To expand and further democratize access to quality education at the post-secondary and tertiary levels through the promotion and application of open learning as a philosophy of access to educational services
- To implement distance education as a system of delivering quality post-secondary and tertiary educational services in the country

KEY PROVISIONS:

- Provides for the institutionalization of distance education as a mode of delivery of the open learning philosophy
- Outlines the admission and other academic policies and requirements, program, curriculum and course development offerings and requirements in HEIs offering distance education programs, as well as support to open learning and distance education programs and to students
- Declares the University of the Philippines Open University (UPOU) as the national open university
- Defines the roles of UPOU, CHED, TESDA, broadcast stations and telecommunications networks in the implementation of distance education in the country

RELATED LAWS:

- Republic Act 7722 (CHED Charter)
- RA 7796 (TESDA Charter)

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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

H. B. No. **400**

Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

EXPLANATORY NOTE

The Constitution, Article XIV, Section 1 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. Towards this end, the State shall pursue means of identifying and developing other ways to make education accessible to all.

There are six institutions accredited by the Commission on Higher Education to maintain distance education programs. The trend for this type of education has been growing all over the world, online and otherwise. With the advent of the information age through the World Wide Web, this form of education can be a valuable tool in reaching out to the areas in our country which do not have access to the campuses.

In order to effectively promote this method of learning, we need to be able to secure additional information on this subject.

This bill seeks to commission the Department of Education and the Department of Science and Technology to undertake a study that would generate sufficient data to guide the executive branch of the government in making programs and enable us to provide better legislation on this matter.


JUAN EDGARDO "SONNY" M. ANGARA
Representative
Lone District, Province of Aurora

(B) identification of distance and campus-based education program success, with respect to student achievement, in relation to the mission of the institution of higher education;

and

(C) by assessing elements including access to higher education, job placement rates, undergraduate rates, and graduate and professional degree attainment rates, identification of the types of students (including classification of types of students based on student age)--

- (1) who most benefit from distance education programs;
- (2) who most benefit from campus-based education programs; and
- (3) who do not benefit from distance education programs.

SECTION 4. *Scope.* - The Department of Science and Technology shall select for participation in the evaluation under subsection (a) a diverse group of institutions of higher education with respect to size, mission, and geographic distribution.

SECTION 5. *Interim and Final Report.* - The agreement under Section 3 shall require that the Department of Science and Technology submit to the Secretary of Education, the Senate, and the House of Representatives--

(1) an interim report regarding the evaluation under Section 3 not later than six months after the date of enactment of this Act; and

(2) a final report regarding such evaluation not later than one year after the date of enactment of this Act.

SECTION 6. *Appropriations.* - To carry out the provisions of this Act, such amount as hereby necessary shall be authorized to be appropriated from the National Treasury.

SECTION 7. *Separability Clause.* - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 8. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

SECTION 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

HOUSE OF REPRESENTATIVES

House Bill No. 835

Introduced by REP. MARK A. VILLAR

EXPLANATORY NOTE

Section 1, Article XIV of the 1987 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 accessible to all. The Constitution further provides that the State shall establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society and that the State shall encourage non-formal, informal and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs particularly those that respond to the community levels (Sec. 2, Art. XIV, 1987 Constitution).

While the government labors in upholding these constitutional mandates, it is a sad reality that it encounters difficulty in providing quality and accessible education to all due to budgetary constraints and other relevant factors. In the preceding years, we have witnessed the decline in the quality of education and the significant increase in the number of students not pursuing and/or finishing higher education. Somehow, this trend came about because a large number of Filipino families, with their meager resources, could not afford the everyday expenses involved (e.g. daily allowances for transportation, meals and other school-related incidental expenses) in sending their children to college the traditional way. Besides, many of our young people necessarily had to leave school and shelve their dream of acquiring higher education for them to immediately work in low-paying jobs to help in the upkeep of their families.

The Open Learning and Distance Education could be a suitable response to this reality. Unlike traditional education in which one goes to school regularly to meet teachers and classmates, a student availing himself or herself of distance learning can attend classes while at home or in the workplace with the use of modules, e-mail, chat and video conference to name a few. Like the traditional learning experience, distance education follows a curriculum, but studying can be done at one's pace. To ensure efficiency and quality, mechanisms are employed to monitor and ensure the academic progress of the students.

This bill seeks to strengthen and regulate the offering of open learning and distance education in the country. This modern delivery of education to learners could make higher education accessible to a great number of our people pursuant to the Constitutional mandate. As long as the necessary support for the efficient implementation of the system as enunciated in the bill are followed, open learning and distance education could well serve as effective engines to develop our people and nation.

With the foregoing discussion, I earnestly recommend the early approval of the bill.



MARK A. VILLAR

Representative, Lone District of Las Piñas City

HOUSE OF REPRESENTATIVES

House Bill No. 835

Introduced by REP. MARK A. VILLAR

AN ACT TO IMPROVE ACCESS TO EDUCATION THROUGH OPEN LEARNING AND DISTANCE EDUCATION IN POST SECONDARY AND TERTIARY LEVELS IN THE PHILIPPINES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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 “*Open Learning and Distance Education Act of 2010.*”

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to expand and further democratize access to quality education at the post secondary and tertiary levels through the promotion and application of open learning as a philosophy of access to educational services, and the appropriate, efficient and effective implementation of distance education as a system of delivering quality post secondary and tertiary educational services in the country.

SEC. 3. *Definition of Terms.* – For purposes of this Act, the following terms are hereby defined:

- (a) *Open Learning* – A philosophy of learning that is quality-assured, open to people, methods, places and ideas, and is highly flexible and learner-centered, enabling the latter to learn at the time, place and pace which satisfy his/her circumstances and requirements;

- (b) Distance Education – is a mode of educational delivery whereby the teacher and learner are separated in time and space, and the instruction is delivered through specially designed materials and methods using appropriate technologies and learning management systems and supported by organizational and administrative structures and arrangements. It enables learning to take place from a distance, virtually and differently from the conventional classroom or traditional mode;
- (c) Open University/College/Institution – refers to a higher education institution that is a separate, independent, and degree-granting academic entity which employs operational procedures and strategies of an open learning institution;
- (d) Center/Institute/School of Distance Education – refers to a subsidiary of a higher education institution which offers distance education programs, but is not qualified to be called an Open University/College/Institution, and whose degrees are awarded by the mother university/College/Institution;
- (e) Higher Education Institution - refers to an institution of higher learning in the Philippines which, primarily offers degree-granting programs, including post secondary degree granting vocational and technical institution duly recognized by the Commission on Higher Education;
- (f) Tertiary Education – shall refer to the higher learning level after high school offering baccalaureate, graduate or post-graduate programs;
- (g) Post Secondary Education - shall refer to non-degree technical-vocational programs accredited by the Technical Education and Skills Development Authority;
- (h) Technical-Vocational Programs - shall refer to post secondary certificate courses, officially recognized as non-degree programs aimed

at preparing technicians, paraprofessionals and other categories of middle-level workers by providing them with a broad range of general education, theoretical, scientific and technological studies, and related job skills training.

SEC. 4. *Institutionalization of Distance Education.* – Distance Education is hereby institutionalized in the Philippines in accordance with the provisions of this Act.

SEC. 5. *Coverage.* This Act shall apply to public and private higher education institutions (HEIs) and post secondary technical/vocational schools in the Philippines which have existing open learning and distance education programs, and to other tertiary and technical/vocational institutions which shall later be authorized as qualified implementers of open learning and distance education programs.

Sec. 6. *Admission and Other Academic Policies and Requirements.* – Admission and other academic policies and requirements in HEIs offering tertiary education through distance education programs shall be governed by a set of policies, standards and requirements set for tertiary education by duly authorized academic bodies such as Board of Regents/Trustees, University/Faculty Councils, and/or the Commission on Higher Education, and for technical-vocational courses in the post secondary level by the Technical Education and Skills Development Authority such as, but not limited to, the following:

- (a) Completion of secondary education;
- (b) Passing an entrance examination given by the HEI or post secondary school; and
- (c) Compliance with the other admission requirements of the admitting higher education or post secondary institutions that are instituted in accordance with the standards set by the CHED and TESDA, respectively.

SEC. 7. *Program, Curriculum and Course Development Offerings and Requirements.* – Open learning programs, curricula and courses developed and offered in distance education mode shall be subjected to similarly high standards, policies and guidelines imposed on traditional or conventional tertiary education programs, curricula and courses to ensure equivalence in quality and substance of both distance and traditional or conventional modes of education.

There shall be defined a set of courses/subjects and/or examinations, and/or special projects and activities, the completion of which shall be required for graduation from the academic degree program, and which shall be equivalent to those under the conventional mode of instruction.

- (a) The place, pace, and mode of study of the student shall be at the option and convenience of the student, but within the predetermined time frame of the distance education program the student is enrolled in and except in the case of examinations whose context, content and conduct shall be determined by the distance education institution;
- (b) The institution concerned shall formulate and implement a mechanism to monitor the academic progress of the students;
- (c) The curricular offerings using the open learning philosophy which are offered through the distance education mode shall conform to respective policies, standards, and guidelines for distance education of CHED and TESDA;
- (d) Completion of all the requirements for the academic program shall be evidenced by the award of the appropriate academic degree;
- (e) For the practice of the profession for which one has acquired the necessary academic credentials through distance education, the existing requirements of passing a board examination shall apply.

SEC. 8. *Mode of Delivery.* Open Learning/Distance Education may be delivered using information and communications technology and other approaches, such as but not limited, to the following:

- (a) Print – textbooks, study guides, workbooks, course syllabi, correspondence feedback, and other print formats;
- (b) Audio-Visual – radio, audio cassettes, slides, film, videotapes, television, telephone, fax, audio-conferencing, and video-conferencing;
- (c) Electronic/Computer Technology and Virtual Classrooms – CD-ROM, electronic mail, e-bulletin boards, world-wide web, E-learning or online learning management systems; and
- (d) Face-to-face sessions – conducted in learning and study centers.

SEC. 9. Support to Open Learning and Distance Education Programs. – The CHED and the TESDA shall provide support to higher education institutions and post secondary schools, respectively, with open learning and distance education programs, such as, but not limited to the following:

- (a) Training of qualified faculty with experience and/or training in open learning and distance education materials;
- (b) implementation of relevant curricular programs;
- (c) Development of appropriate learning materials;
- (d) Acquisition of technology
- (e) Provision of suitable student support services;
- (f) Development of suitable learning management systems or platforms;
- (g) Formal linkages with other appropriate institutions that can host learning or testing centers.

SEC. 10. Support to Students. – Any student enrolled in open learning and distance education programs under the auspices of this Act, shall have access to all privileges, opportunities and entitlements that a student similarly situated under the conventional system of instruction may have access to, including, but not necessarily

be limited to, availing of scholarships, grants, and loans from the government or government-administered funding sources. Specifically, higher education institutions and post secondary schools engaged in open learning and education programs shall be tasked to perform the following student support services:

- (a) Provide clear admission policies and procedures for applicants;
- (b) Maintain faculty-student dialogue and interactivity through virtual classrooms linked electronically or through established learning centers or both, whichever may be feasible, to ensure greater knowledge sharing, access. Counseling, and the provision of other support services;
- (c) Provide for an efficient and reliable communication system, feedback mechanism, especially on learners' academic progress, and multimedia support;
- (d) Show evidence of regular monitoring of learners' progress; and
- (e) Provide a wide range of relevant, updated and accessible learning resources that are easily accessible to students.

SEC. 11. Role of the University of the Philippines Open University (UPOU).

The University of the Philippines Open University, hereinafter referred to as the UPOU, shall be designated as the National Open University. As such, it shall:

- (a) Provide leadership in the development of open learning and distance education expertise in the country and in the appropriate use of information and communications technologies in support of quality higher education;
- (b) Promote best practices in open learning and distance education in the Philippines;
- (c) Share knowledge through informed and innovative research and other development activities related to distance education through its exemplar policies, programs, materials, learning management systems guidelines and offerings;

- (d) Design model curricular programs which shall serve as prototype programs upon which similar programs to be offered by other HEIs in the country shall be patterned after;
- (e) Assist CHED and TESDA in the formulation of national policies, standards, and guidelines for distance education;
- (f) Develop and promote appropriate information and communication technologies to facilitate quality open learning and distance education programs in the country;
- (g) Design and produce quality learning materials and objects, both in print and multimedia formats, for higher education instruction in the country;
- (h) Make instructional materials for distance education programs accessible to the public through collaborative arrangements, and other appropriate mechanisms;
- (i) Assist other interested educational institutions in developing their distance education programs, courses, and materials for specific learner groups or the public at large; and
- (j) Provide technical assistance to CHED and TESDA on matters relating to distance education policies, guidelines and standards, particularly in implementing an accreditation system for open learning and distance education programs and institutions in the country;
- (k) Design and implement a continuing program to develop high level expertise in the fields of open learning and distance education in the Philippines through quality formal academic degree programs and non-formal courses through either or both distance and face-to-face modes of instruction and training; and
- (l) Help capacitate distance education teachers and practitioners through its capacity building and professionalization programs.

SEC. 12. Role of the Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA). – The CHED and TESDA shall be the respective authorities to identify the HEIs and post secondary schools which shall be allowed to offer distance education programs and be given allocation for the continued implementation of these programs. As such, they shall:

- (a) Formulate, promulgate, disseminate and implement the necessary policies, standards, guidelines, rules and regulations for the effective implementation of distance education in the country;
- (b) Formulate and implement strategies to improve the quality of distance education programs and implement a system of quality control for open learning and distance education in the country;
- (c) Monitor and evaluate existing open learning and distance education programs and effect the continuation or closure of programs in accordance with the provisions of the implementing rules and regulations for distance education in the country;
- (d) Review and approve or disapprove proposals from higher education institutions for the implementation of new distance education programs; and
- (e) Recommend to the Department of Budget and Management (DBM) the budget for distance education programs of qualified state higher education institutions and public post secondary schools based on the respective monitoring and evaluation results of the CHED and TESDA.

SEC. 13. *Role of Broadcast Media and Telecommunications Networks.* –

Broadcast media and telecommunications networks are encouraged to provide as much assistance and cooperation to higher education institutions offering open learning and distance education programs. Such assistance may include, but not necessarily be limited to, the transmission of learning materials for formal and non-formal courses to learners not only within the Philippines, but also outside the country.

SEC. 14. *Tax Incentives.* – Any donation, contribution, bequest and grant, and/or in cash or services which may be made by individuals, groups and organizations, including but not limited to private entities such as private schools, broadcasting companies, telecommunications networks and others which shall provide appropriate materials, time and delivery support services for the promotion of open learning and distance education in partnership with higher education institutions delivering academic degree programs through distance education, shall be allowed to be fully deductible from gross taxable income of the donor for income

tax purposes and shall be exempt from donor/s' tax and subject to such conditions as provided under the National Internal Revenue Code, as amended.

SEC. 15. *Implementing Rules and Regulations.* – The Commission on Higher Education, through its Technical Panel for Distance Education, and the Technical Education and Skills Development Authority, in consultation with relevant stakeholders in higher and technical education, are hereby mandated to formulate the rules and regulations to implement this Act within a period of ninety (90) days from the effectivity thereof.

SEC. 16. *Appropriations.* – For the initial implementation of this Act, the amount of P150 Million (P150,000,000.00) shall be allocated from the President's Social Development Fund or from other sources, to the CHED, TESDA and the UPOU in this proportion: forty percent (40%), forty percent (40%) and twenty percent (20%) share, respectively. Thereafter, such funds necessary for the continuous implementation of this Act shall be included in the respective budgetary allocations of the CHED, TESDA and the UPOU in the annual General Appropriations Act.

SEC. 17. *Separability Clause.* - If any provision of this Act or any part thereof be declared unconstitutional or invalid, the same shall not affect the validity of the other provisions of this Act.

SEC. 18. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 19. *Effectivity.* – This Act takes effect fifteen (15) days after its publication in the Official Gazette or in at least two newspapers of general circulation.

Approved,

FIFTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

House Bill No. 1660

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

EXPLANATORY NOTE

Education is the prime motive force for the development of a nation. This is recognized by the Constitution by making education the foremost concern of the State and by providing access for academic and technical development the responsibility of the government.

This bill aims to recognize and provide the mechanism for the establishment and propagation of the open and distance learning educational mode in the Philippines. This bill entrusts the University of the Philippines Open University to be the vanguard for the development of this learning system. The University shall assist and provide the necessary expertise for schools wishing to create learning programs.

This learning mode will provide access to those who wish to enhance their academic and technical training without being bound by the logistical difficulties present in our educational landscape.

The passage of this bill is most earnestly urged.


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

House Bill No. 1660

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

AN ACT

TO IMPROVE ACCESS TO EDUCATION THROUGH OPEN LEARNING AND
DISTANCE EDUCATION IN POST SECONDARY AND TERTIARY LEVELS IN
THE PHILIPPINES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER
PURPOSES

*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 "**Open Learning
and Distance Education Act of 2010.**"

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to
expand and further democratize access to quality education at the post secondary
and tertiary levels through the promotion and application of open learning as a
philosophy of access to educational services, and the appropriate, efficient and
effective implementation of distance education as a system of delivering quality post
secondary and tertiary educational services in the country.

SEC. 3. Definition of Terms. – For purposes of this Act, the following terms
are hereby defined:

- (a) Open Learning – A philosophy of learning that is quality-assured,
open to people, methods, places and ideas, and is highly flexible
and learner-centered, enabling the latter to learn at the time, place
and pace which satisfy his/her circumstances and requirements;
- (b) Distance Education – is a mode of educational delivery whereby the
teacher and learner are separated in time and space, and the
instruction is delivered through specially designed materials and
methods using appropriate technologies and learning management
systems and supported by organizational and administrative
structures and arrangements. It enables learning to take place from
a distance, virtually and differently from the conventional classroom
or traditional mode;
- (c) Open University/College/Institution – refers to a higher education
institution that is a separate, autonomous, and degree-granting

- academic entity which employs operational procedures and strategies of an open learning institution;
- (d) Center/Institute/School of Distance Education – refers to a subsidiary of a higher education institution which offers distance education programs, but is not qualified to be called an Open University, and whose degrees are awarded by the mother university;
 - (e) Higher Education Institution - refers to an institution of higher learning in the Philippines which primarily offers degree-granting programs, including post secondary degree granting vocational and technical institution duly recognized by the Commission on Higher Education
 - (f) Tertiary Education – shall refer to the higher learning level after high school offering baccalaureate, graduate or post-graduate programs;
 - (g) Post Secondary Education - shall refer to non-degree technical-vocational programs accredited by the Technical Education and Skills Development Authority;
 - (h) Technical-Vocational Programs - shall refer to post secondary certificate courses, officially recognized as non-degree programs aimed at preparing technicians, paraprofessionals and other categories of middle-level workers by providing them with a broad range of general education, theoretical, scientific and technological studies, and related job skills training.

SEC. 4. Institutionalization of Distance Education. – Distance Education is hereby institutionalized in the Philippines in accordance with the provisions of this Act.

SEC. 5. Coverage. This Act shall apply to public and private higher education institutions (HEIs) and post secondary technical/vocational schools in the Philippines which have existing open learning and distance education programs, and to other tertiary and technical/vocational institutions which shall later be authorized as qualified implementers of open learning and distance education programs.

Sec. 6. Admission and Other Academic Policies and Requirements. – Admission and other academic policies and requirements in HEIs offering tertiary education through distance education programs shall be governed by a set of policies, standards and requirements set for tertiary education by duly authorized academic bodies such as Board of Regents/Trustees, University/Faculty Councils, and/or the Commission on Higher Education, and for technical-vocational courses in the post secondary level by the Technical Education and Skills Development Authority such as, but not limited to, the following:

- (a) Completion of secondary education;
- (b) Passing an entrance examination given by the HEI or post secondary school; and
- (c) Compliance with the other admission requirements of the admitting higher education or post secondary institutions that are instituted in accordance with the standards set by the CHED and TESDA, respectively.

SEC. 7. Program, Curriculum and Course Development Offerings and Requirements. – Open learning programs, curricula and courses developed and offered in distance education mode shall be subjected to similarly high standards, policies and guidelines imposed on traditional or conventional tertiary education programs, curricula and courses to ensure equivalence in quality and substance of both distance and traditional or conventional modes of education.

There shall be defined a set of courses/subjects and/or examinations, and/or special projects and activities, the completion of which shall be required for graduation from the academic degree program, and which shall be equivalent to those under the conventional mode of instruction.

(a) The place, pace, and mode of study of the student shall be at the option and convenience of the student within the time frame as may be prescribed by the learning institution: *Provided*, that, the content, context and conduct of examination shall be determined by the institution;

(b) The institution concerned shall formulate and implement a mechanism to monitor the academic progress of the students;

(c) The curricular offerings using the open learning philosophy which are offered through the distance education mode shall conform to respective policies, standards, and guidelines for distance education of CHED and TESDA;

(d) Completion of all the requirements for the academic program shall be evidenced by the award of the appropriate academic degree;

(e) For the practice of the profession for which one has acquired the necessary academic credentials through distance education, the existing requirements of passing a board examination shall apply.

SEC. 8. Mode of Delivery. Open Learning/Distance Education may be delivered using information and communications technology and other approaches, such as but not limited, to the following:

(a) Print – textbooks, study guides, workbooks, course syllabi, correspondence feedback, and other print formats;

(b) Audio-Visual – radio, audio cassettes, slides, film, videotapes, television, telephone, fax, audio-conferencing, and video-conferencing;

(c) Electronic/Computer Technology and Virtual Classrooms – CD-ROM, electronic mail, e-bulletin boards, world-wide web, E-learning or online learning management systems; and

(d) Face-to-face sessions – conducted in learning and study centers.

SEC. 9. Support to Open Learning and Distance Education Programs. – The CHED and the TESDA shall provide support to higher education institutions and post secondary schools, respectively, with open learning and distance education programs, such as, but not limited to the following:

(a) Training of qualified teachers in open learning and distance education programs and materials;

(b) Implementation of relevant curricular programs;

(c) Development of appropriate learning materials;

(d) Acquisition of technology;

(e) Provision of suitable student support services;

(f) Development of suitable learning management systems or platforms;

- (g) Formal linkages with other appropriate institutions that can host learning or testing centers.

SEC. 10. Support to Students. – Any student enrolled in open learning and distance education programs under the auspices of this Act, shall have access to all privileges, opportunities and entitlements that a student similarly situated under the conventional system of instruction may have access to, including, but not necessarily be limited to, availment of scholarships, grants, and loans from the government or government-administered funding sources. Specifically, higher education institutions and post secondary schools engaged in open learning and education programs shall be tasked to perform the following student support services:

- (a) Provide clear admission policies and procedures for applicants;
- (b) Maintain faculty-student dialogue and interactivity through virtual classrooms linked electronically or through established learning centers or both, whichever may be feasible, to ensure greater knowledge sharing, access. Counseling, and the provision of other support services;
- (c) Provide for an efficient and reliable communication system, feedback mechanism, especially on learners' academic progress, and multimedia support;
- (d) Show evidence of regular monitoring of learners' progress; and
- (e) Provide a wide range of relevant, updated and accessible learning resources that are easily accessible to students.

SEC. 11. Role of the University of the Philippines Open University (UPOU). The University of the Philippines Open University, hereinafter referred to as the UPOU, shall be designated as the National Open University. As such, it shall:

- (a) Provide leadership in the development of open learning and distance education expertise in the country and in the appropriate use of information and communications technologies in support of quality higher education;
- (b) Promote best practices in open learning and distance education in the Philippines;
- (c) Share knowledge through informed and innovative research and other development activities related to distance education through its exemplar policies, programs, materials, learning management systems guidelines and offerings;
- (d) Design model curricular programs which shall serve as prototype programs upon which similar programs to be offered by other HEIs in the country shall be patterned after;
- (e) Assist CHED and TESDA in the formulation of national policies, standards, and guidelines for distance education;
- (f) Develop and promote appropriate information and communication technologies to facilitate quality open learning and distance education programs in the country;
- (g) Design and produce quality learning materials and objects, both in print and multimedia formats, for higher education instruction in the country;
- (h) Make instructional materials for distance education programs accessible to the public through collaborative arrangements, and other appropriate mechanisms;

- (i) Assist other interested educational institutions in developing their distance education programs, courses, and materials for specific learner groups or the public at large; and
- (j) Provide technical assistance to CHED and TESDA on matters relating to distance education policies, guidelines and standards, particularly in implementing an accreditation system for open learning and distance education programs and institutions in the country;
- (k) Design and implement a continuing program to develop high level expertise in the fields of open learning and distance education in the Philippines through quality formal academic degree programs and non-formal courses through either or both distance and face-to-face modes of instruction and training; and
- (l) Help capacitate distance education teachers and practitioners through its capacity building and professionalization programs.

SEC. 12. Roles of the Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA). – The CHED and TESDA shall be the respective authorities to identify the HEIs and post secondary schools which shall be allowed to offer distance education programs and be given allocation for the continued implementation of these programs. As such, they shall:

- (a) Formulate, promulgate, disseminate and implement the necessary policies, standards, guidelines, rules and regulations for the effective implementation of distance education in the country;
- (b) Formulate and implement strategies to improve the quality of distance education programs and implement a system of quality control for open learning and distance education in the country;
- (c) Monitor and evaluate existing open learning and distance education programs and effect the continuation or closure of programs in accordance with the provisions of the implementing rules and regulations for distance education in the country;
- (d) Review and approve or disapprove proposals from higher education institutions for the implementation of new distance education programs; and
- (e) Recommend to the Department of Budget and Management (DBM) the budget for distance education programs of qualified state higher education institutions and public post secondary schools based on the respective monitoring and evaluation results of the CHED and TESDA.

SEC. 13. Roles of Broadcast Media and Telecommunications Networks. – Broadcast media and telecommunications networks are encouraged to provide as much assistance and cooperation to higher education institutions offering open learning and distance education programs. Such assistance may include, but not necessarily be limited to, the transmission of learning materials for formal and non-formal courses to learners not only within the Philippines, but also outside the country.

SEC. 14. Tax Incentives. – Private entities such as private schools, broadcasting companies, telecommunications networks and others which shall provide appropriate materials, time and delivery support services for the promotion of open learning and distance education in partnership with higher education

institutions delivering academic degree programs through distance education, shall be given corresponding tax credits in accordance with existing rules and regulations.

SEC. 15. *Implementing Rules and Regulations.* – The Commission on Higher Education, through its Technical Panel for Distance Education, and the Technical Education and Skills Development Authority, in consultation with relevant stakeholders in higher and technical education, are hereby mandated to formulate the rules and regulations to implement this Act within a period of ninety (90) days from the effectivity thereof.

SEC. 16. *Appropriations.* – For the initial implementation of this Act, the amount of P150 Million (P150,000,000.00) shall be allocated from the President's Social Development Fund or from other sources, to the CHED, TESDA and the UPOU at 40 percent, 40 percent and 20 percent share, respectively. Thereafter, such funds necessary for the continuous implementation of this Act shall be included in the respective budgetary allocations of the CHED, TESDA and the UPOU in the annual General Appropriations Act.

SEC. 17. *Separability Clause.* – If any provision of this Act or any part thereof be declared unconstitutional or invalid, the same shall not affect the validity of the other provisions of this Act.

SEC. 18. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 19. *Effectivity.* – This Act takes effect fifteen (15) days after its publication in the Official Gazette or in at least two newspapers of general circulation.

Approved,



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

March 01, 2011

HON. JUAN EDGARDO M. ANGARA
Chairman
Committee on Higher and Technical Education

Dear Chairman Angara:

The Committee on Ways and Means in its meeting today, March 01, 2011 has approved with amendments subject to style the tax provision of Substitute Bill to House Bill Nos. 835, 1660 & 400 entitled "**AN ACT TO EXPAND ACCESS TO EDUCATION THROUGH OPEN LEARNING AND DISTANCE EDUCATION IN POST SECONDARY AND TERTIARY LEVELS IN THE PHILIPPINES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**", to wit:

Section 16 of the bill shall be amended to read as follows:

"Section 16. *Tax Incentives.* - [Private entities such as private schools, broadcasting companies, telecommunications networks and others which shall provide appropriate materials, time and delivery support services for the promotion of open learning and distance education in partnership with higher education institutions delivering academic degree programs through distance education, shall be given corresponding tax credits in accordance with existing rules and regulations.] "ANY DONATION, CONTRIBUTION, BEQUEST AND GRANT, IN CASH AND/OR SERVICES WHICH MAY BE MADE BY INDIVIDUALS AND ORGANIZATIONS, INCLUDING BUT NOT LIMITED TO PRIVATE ENTITIES SUCH AS PRIVATE SCHOOLS, BROADCASTING COMPANIES, TELECOMMUNICATIONS NETWORKS AND OTHERS WHICH SHALL PROVIDE APPROPRIATE MATERIALS, TIME AND DELIVERY SUPPORT SERVICES FOR THE PROMOTION OF OPEN LEARNING AND DISTANCE EDUCATION IN PARTNERSHIP WITH HIGHER EDUCATION INSTITUTION DELIVERING ACADEMIC DEGREE PROGRAMS THROUGH DISTANCE EDUCATION, SHALL BE EXEMPT FROM THE DONOR'S TAX AND THE SAME SHALL BE CONSIDERED AS ALLOWABLE DEDUCTION FROM THE GROSS INCOME IN THE COMPUTATION OF THE INCOME TAX OF THE DONOR IN

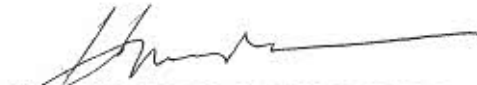
COMMITTEE ON WAYS AND MEANS

North Basement
Batasan Complex, Quezon City
Tel. Nos. 931-4955 • 931-5001 loc. 7643
Fax No. 931-4955

Ye

ACCORDANCE WITH THE PROVISIONS OF THE NATIONAL INTERNAL
REVENUE CODE OF 1997, AS AMENDED.

Very truly yours,



HERMILANDO I. MANDANAS
Chairman
Committee on Ways and Means



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

HON. JOSEPH EMILIO A. ABAYA

*Congressman, 1st District, Cavite
Chairman, Committee on Appropriations*

May 18, 2011

HON. JUAN EDGARDO M. ANGARA

*Chairman
Committee on Higher and Technical Education*

Dear Chairman Angara:

Please be informed that the Committee on Appropriations in its meeting held today at the Rolando R. Andaya Hall approved to report out the Substitute Bill to House Bill Nos. 835, 1660 and 400, titled " **AN ACT TO EXPAND ACCESS TO EDUCATION THROUGH OPEN LEARNING AND DISTANCE EDUCATION IN POST- SECONDARY AND TERTIARY LEVELS IN THE PHILIPPINES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**" with the following amendment:

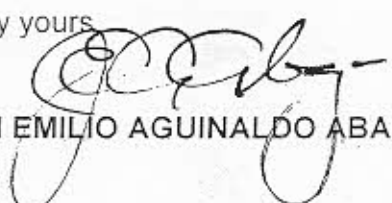
On Section 18, page 7, lines 22 to 31 delete the entire provision and in lieu thereof, substitute the following:

SEC. 18. APPROPRIATIONS. – THE AMOUNT NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT SHALL BE INCLUDED IN THE RESPECTIVE BUDGET OF THE CHED, TESDA, UPOU AND HIGHER EDUCATION INSTITUTIONS AND POST-SECONDARY TECHNICAL/VOCATIONAL SCHOOLS WHICH HAVE EXISTING OPEN LEARNING AND DISTANCE EDUCATION PROGRAMS IN THE ANNUAL GENERAL APPROPRIATIONS ACT.

Further, the following members were included as co-authors of the measure namely, Reps. Tomas V. Apacible, Jane T. Castro, Joseph Victor G. Ejercito, Salvador H. Escudero, Monique Yasmin Q. Lagdameo, Jocelyn S. Limkaichong, Mel Senen S. Sarmiento and Jerry P. Trefias.

Thank you.

Very truly yours,


JOSEPH EMILIO AGUINALDO ABAYA

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 29 SEPTEMBER 2010, 9:30 A.M.,
CONFERENCE ROOM 6, R.V. MITRA BLDG., HOUSE OF REPRESENTATIVES,
QUEZON CITY**

I. CALL TO ORDER

CHTE Chairman Juan Edgardo Angara called the meeting to order at 9:45 in the morning.

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

Upon motion of Rep. Aurora Cerilles, duly seconded, the calling of the roll was dispensed with and the minutes of the 15 September 2010 meeting of the Committee were approved.

III. ACKNOWLEDGMENT OF RESOURCE PERSONS

The Committee Secretary acknowledged the presence of the guests, as follows: Drs. Grace Alfonse, Maria Fe Mendoza, Melinda Lumanta, Ma. Teresa de Villa, Melinda Bandalaria and Inocencio Buot, Jr., from the University of the Philippines Open University (UPOU); Dr. Veronica Aquino, Director Eleanor Fernandez, Atty. Lily Milla and Ms. Jocelyn Balanag, from the Commission on Higher Education (CHED); Dr. Yerma Saulon and Ms. Gina Tomaque, from the Technical Education and Skills Development Authority (TESDA); and Dr. Jimmy Soria from the Philippine Association of State Universities and Colleges (PASUC).

IV. APPROVAL OF PROPOSED MEASURES

The Committee approved all the bills, local and national, included in the day's Agenda. Chairman Angara instructed the staff to seek comments from the Committees on Appropriations and Ways and Means, if necessary, and thereafter prepare the respective committee reports. These measures are as follows:

A. Local Bills

A.1. House Bill No. 2691 – An Act Converting the Mountain Province State Polytechnic College in the Municipality of Bontoc into a University to be Known as the Mountain Province State University with Campuses in the Municipalities of Tadyan, Bauku, Paraselis and Barlig, all Municipalities Located in Mountain Province and Appropriating Funds Therefor (Rep. Dalog);

A.2. HB No. 124 – An Act Establishing a State College in the Municipality of Compostela, Compostela Valley Province to be Known as the Compostela Valley State College Integrating Therewith as Regular Branches the Bukidnon State University External Studies Centers in the Municipalities of Monkayo, Maragusan, Montevista and New Bataan, all Municipalities Located in Compostela Valley Province, and Appropriating Funds Therefor (Rep. Zamora-Apsay);

A.3. HB No. 2697 – An Act Changing the Name of the Lazi Agricultural School in Barangay Tigbawan, Municipality of Lazi, Province of Siquijor into Lazi Technical Institute (Rep. Fua);

B. National Bills

B.1. HB No. 400 – An Act to Require an Independent Evaluation of Distance Education Programs (Rep. Angara);

B.2. HB No. 835 – An Act to Improve Access to Education Through Open Learning and Distance Education in Post-Secondary and Tertiary Levels in the Philippines, Appropriating Funds Therefor and for Other Purposes;

B.3. HB No. 1660 – An Act To Improve Access to Education Through Open Learning and Distance Education in Post-Secondary and Tertiary Levels in the Philippines, Appropriating Funds Therefor and for Other Purposes (Reps. R. Rodriguez, M. Rodriguez & Evardone);

The aforementioned bills of national application seek to further develop the open learning system and distance education in the country. The Committee Secretariat has likewise been directed to consolidate the measures for the eventual filing of a committee report.

B.4. Substitute Bill to HB No. 1504 – An Act Providing Discounts on Basic and Education Services to Underprivileged Students in the Post-Secondary and Tertiary Levels (Reps. Teodoro, Casino, Ong, Pichay and Angara)

VI. BILL SPONSORSHIP AND DISCUSSIONS

A. Deliberation On Local Bills

As author of HB 2691, Rep. Maximo Dalog of Mountain Province sought the support of the Committee in the approval of the bill. He emphasized the fact that the measure is a refiled bill and has undergone extensive discussions in the previous Congress. Rep. Dalog pointed out that not only did the proposed measure get the formal endorsement of the Committee, the earlier bill reached Second Reading in the Plenary in the Fourteenth Congress. The measure was likewise further refined to conform to the provisions under Republic Act 8292, the law which governs the state universities and colleges in the country, he narrated.

The Lone Representative of this province from the Cordillera Region spoke of the difficulties of his constituencies in availing education in better-equipped Higher Education Institutions (HEIs), all of which are a hundred kilometers away. This situation, he averred, is aggravated by the mountainous conditions in the locality.

Because the proposed institution is located in Bontoc, the former capital of the whole of Cordillera in previous times, Congressman Dalog said this again would help in the development of the community. He stated that students from several other municipalities from the neighboring provinces would also benefit in the establishment of the state college.

Likewise, the author enumerated the accomplishments of the Mountain Province State College in terms of the passing rates of its graduates in licensure examination, as well as, the number of its teaching personnel with doctoral and masteral degrees.

On the other hand, Rep. Ma. Carmen Zamora-Apsay appealed to the Body for the approval of HB 124 in order for the province of Compostela Valley to benefit from having its own state college, which would be created from the various branches and extension centers of existing universities in the region such as the Bukidnon State University.

She recounted that the bill was first initiated in the Twelfth Congress, then refiled in the Thirteenth; hence, the bill is on its third time to be filed. She made the plea to allow the province to have its own state college, since there was no longer any objection from the affected institutions for the satellite centers in her province to be separated from the mother school.

On the matter of the renaming of the Lazi Agricultural School in the province of Siquijor to Lazi Technical Institute as proposed by Congressman Orlando Fua in HB 2697, no objection was interposed by the CHED and TESDA, except for the need to submit certain documentary requirements such as a municipal council resolution and the like. The rationale in his proposal, Rep. Fua told the Body, was to offer not only agriculture programs but to institute other technical courses, in step with the requirements of the times.

In the course of the discussions regarding conversion or creation of SUC, Chairman Angara emphasized the need for the CHED to look at the issues from a development standpoint especially in relation to the impoverished conditions of the particular provinces. The comment from Congressman Angara was in reaction to the stand of the CHED, as enunciated by Atty. Lily Milla, not to endorse new conversions or establishment of SUCs as the latter explained that CHED is in the process of rationalizing the state institutions and likewise trying to strengthen the Regional University System all over the country.

The CHED representative likewise related certain deficiencies especially as applied to HB 2691 of Rep. Dalog based on CHED rules and standards regarding the establishment and conversion of SUCs. Atty. Milla also informed the Committee, in response to a query by the Chair, of the need for additional budgetary requirements upon conversion of the school to spend for the various services for upgrading or that may need further improvement.

As regards the establishment of the Compostela Valley State College being proposed in HB 124, Rep. Angara asked the author for compliance on the CHED requirements including the submission of the endorsement or resolution of support from the Board of Regents of the Bukidnon State University. The Philippine Association of State Colleges and Universities (PASUC), through Atty. Jimmy Soria, told the Body of the support of the PASUC on the bill.

B. Discussions On Bills of National Significance

On behalf of Rep. Mark Villar, author of House Bill 835, Rep. Cesar Sarmiento of Catanduanes sponsored the measure and enjoined his colleagues to approve the bill. The sponsor expounded on the objectives of the bill to further improve access to open learning systems and distance education, and cited the constitutional tenets of giving people greater access to quality education, as well as,

for the government to support new methods of acquiring knowledge and skills to support the needs of the Filipinos.

Representatives Rufus Rodriguez and Maximino Rodriguez, as principal authors of a similar bill, HB. 1660, also sought the approval of the Body on his proposal. The former later emphasized the fact that the Committee had fully discussed the measure in the last Congress and echoed the request to have it approved in the Committee level.

For his part, Chairman Angara inquired about specific targets and accessibility including the need to put safeguards against fraud particularly in the submission of papers to ensure quality. Of interest likewise to the chairman has to do with the institutional partnerships that the University of the Philippines - Open University (UPOU) has established.

The focus of the questions of Rep. Luis Villafuerte, on the other hand, is on the range of fees and the possibilities of linking with certain non-academic organizations or industries to teach particular skills, in addition to developing programs to study about ageing and wellness. Rep. Villafuerte cited examples of programs in Europe and the United States that are being offered parallel to a Degree in Medicine, which he said is called Doctor of Naturopathy. Another concern he wanted to know was whether the Open University currently offers or can give language review courses such as English for interested Filipinos who may have plans to take the International English Language Testing System (IELTS) examination.

Essentially, the main resource person and chancellor of the UPOU, Dr. Grace Alfonso, spoke of the institution's full support to the bill. She said that while there are lots of other programs that UPOU would like to develop as course offerings, and may look into further expanding the field with the participation of other institutions, she said it is costly to develop materials because of the need to involve experts in various fields. But Chancellor Alfonso informed the Body that they are truly into lots of research along the lines of open and distance learning, including being an active member in the national technical panel on distance learning.

Dr. Alfonso likewise pointed out the importance of some of the UPOU programs, such as in the area of non-formal education, which can integrate into the country's ladderized system of education. She further explained that because the Open University is 100% online, they are trying to target every possible student-candidate in the countryside. There is also a mix, she said, in the teaching techniques in that they use online and face-to-face interaction, called the blended method. This, she stressed, is especially true where internet is limited, as well as, for reasons that are inherent in the programs, such as on skills where actual demonstration is needed.

Every step in the process of acquiring a certificate or degree under open learning and distance education is fully within the control of the University and monitored to ensure quality as guided by the experts, according to Chancellor Alfonso. She explained that this basically uses a platform called Learning Management System, where there are varied modes of student-tutor interaction for purposes of evaluation.

Chancellor Alfonso expounded further on the structures such as their institutional linkages with other schools with the establishment of testing and learning

Learning network, according to her. As to the rates of tuition fees, Dr. Alfonso stated that this is around One Thousand Pesos per unit or something similar to a residential university.

The UPOU head talked further on the process of approving degree programs before they become a regular course offering in the University. This, she said, includes: first, the assembly of experts in the particular field; second, the program undergoes evaluation in the curriculum committee; third, this further goes to the university council; fourth, the same is again reviewed by the President's Advisory Council; and then finally, the program gets the approval by the University of the Philippines – Board of Regents.

Another official of the University, Dr. Therese de Villa, shared the records in terms of the passing rates of its graduates especially in teacher education, which, according to her is about 90% or higher. The institution also partners with different universities or colleges in the country depending on the school where the students come from, she noted. She listed De La Salle University and Far Eastern University as examples of these institutions.

As a clarification, Vice Chancellor Ma. Fe Mendoza, pointed out that while UPOU can develop review programs, it does not offer review courses because she said this is outside of their mandate. On the matter of programs in the health sciences, Dr. Mendoza provided information on some of the degree courses the Open University offers, which presently include Masters of Arts in Nursing, Masters in Public Health and Masters in Hospital Administration. A Master's program in International Health, which may include special modules in alternative medicine, is currently undergoing review with the curriculum committee, she narrated.

Director Eleanor Fernandez of the CHED Office for Programs and Standards expressed support for the bill even as she assured the Body that CHED will submit its written comments particularly on the definitions under the section on the Modes of Delivery as contained in the bill. This, she said, will be done after a review is conducted by the technical panel consisting of experts from different universities.

So as not to give the impression that the bill will give blanket authority to every institution offering distance learning, Chairman Angara and Atty. Milla of CHED, cautioned that the UPOU should be the one to set the standards and be the leader in terms of the prototypes and programs, which the other Open Universities and Distance Learning Center must strictly follow.

The Committee likewise approved the substitute bill to HB 1504, a measure that seeks to give certain privileges to students in the tertiary level. During his sponsorship of the measure, Representative Marcelino Teodoro of Marikina City, the principal author, explained the important amendments that were included in the bill as a result of the agreements hammered out during a technical working group (TWG) meeting. The TWG, he explained, sought to include students from the post-secondary technical-vocational institutions as it sees this sector to be equally in need of support. The agreement was also for TESDA to identify and implement this program as far as this particular sector is concerned, Rep. Teodoro explained.

VI. ADJOURNMENT

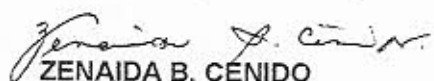
There being no other matters to discuss, the meeting was adjourned at 11:45 in the morning.

Prepared by:



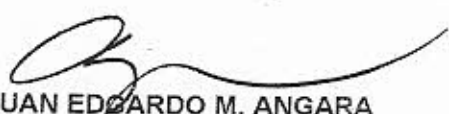
ANDRES C. ELICA
SLSO II

Certified Correct:



ZENaida B. CENIDO
Committee Secretary

Approved:



JUAN EDGARDO M. ANGARA
Chairman, CHTE