

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 1065



Introduced by **Honorable Neptali M. Gonzales II**

EXPLANATORY NOTE

Our Constitution does not only mandate the protection and promotion of the right to education. It also provides for a complete, adequate and integrated system of education relevant to the needs of the people and society as well as encourage alternative modes of learning systems such as self learning, independent and out-of-school study programs, among others.

The State recognizes the reality that there are many hindrances in its pursuit of providing quality and accessible education to all. On the part of the government, budgetary constraint is the foremost reason for the depreciating quality of its educational services. The government cannot cope up with the increasing demands for infrastructural facilities. This is aggravated by the problem of teacher shortage which is fast becoming a global phenomenon. On the part of the students, meager financial resources drives them to defer if not abandon their dreams of obtaining a college diploma through formal and traditional educational system.

To address these problems, the "*Open Learning and Distance Education System*" is being institutionalized through this measure. Open Learning is a philosophy of learning that is quality assured, open to people, methods, places and ideas and is highly flexible and learner-centered, enabling students to learn at their own conducive time, place and pace. On the other hand, Distance Education refers to a learning mode where the teacher and the learner do not regularly meet as differentiated from the conventional classroom method. The instruction is delivered through especially designed materials and methods using appropriate technologies and learning management systems and supported by organizational and administrative structures and arrangements.

This shall apply to public and private higher education institutions 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 implementors of open learning and distance education programs.

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


NEPTALI M. GONZALES II

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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
2 and Distance Education Act of 2013”.

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

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

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

(a) *Open Learning* refers to 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 the person's circumstances and requirements.

(b) *Distance Education* refers to a mode of educational delivery whereby the teacher and learner are separated in time and space, and the instruction is delivered through especially 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 (HEI) which offers distance education programs, but is not qualified to be called an Open University, and whose degrees are awarded by the HEI.

(e) *Higher Education Institution (HEI)* 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 (CHED) and the Technical Education and Skills Development Authority (TESDA).

1 (f) *Tertiary Education* refers to the higher learning level after high school
2 offering baccalaureate, graduate or post-graduate programs.

3 (g) *Post-Secondary Education* shall refer to non-degree technical-vocational
4 programs accredited by the TESDA.

5 (h) *Technical-Vocational Programs* refer to post-secondary certificate courses,
6 officially recognized as non-degree programs aimed at preparing technicians,
7 paraprofessionals and other categories of middle-level workers by providing them
8 with a broad range of general education, theoretical, scientific and technological
9 studies, and related job skills training.

10 SEC. 5. *Institutionalization of Distance Education.* – Distance education is
11 hereby institutionalized in the Philippines in accordance with the provisions of
12 this Act. Due diligence is likewise encouraged in seeing to it that equivalence or
13 comparability with existing standards in both the traditional/residential or
14 alternative education systems is ensured.

15 SEC. 6. *Admission and Other Academic Policies and Requirements.* –
16 Admission and other academic policies and requirements in HEIs offering tertiary
17 education through distance education programs shall be governed by a set of
18 policies, standards and requirements set for tertiary education by duly
19 authorized academic bodies such as the Board of Regents/Trustees, the
20 University/Faculty Councils and/or the CHED, and for technical-vocational
21 courses in the post-secondary level by the TESDA such as, but not limited to, the
22 following:

23 (a) Completion of secondary education;

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

(c) Compliance with the other admission requirements of the admitting higher education or post-secondary institution that are instituted in accordance with the standards set by the CHED and the TESDA, respectively.

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

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. The following shall also be considered:

(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 the CHED and the TESDA;

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

(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, 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, the TESDA and the University of the Philippines Open University (UPOU) shall provide support to HEIs 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.

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

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

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

- 22 (a) Provide leadership in the development of open learning and distance
23 education expertise in the country and in the appropriate use of information and
24 communications technologies in support of quality higher education;
- 25 (b) Promote best practices in open learning and distance education in the
26 Philippines;

1 (c) Share knowledge through informed and innovative research and other
2 development activities related to distance education through its exemplar
3 policies, programs, materials, learning management systems guidelines and
4 offerings;

5 (d) Provide technical assistance to the CHED and the TESDA on matters
6 relating to distance education policies, guidelines and standards, particularly in
7 implementing an accreditation system for open learning and distance education
8 programs and institutions in the country;

9 (e) Design model curricular programs which shall serve as prototype
10 programs upon which similar programs to be offered by other HEIs in the
11 country shall be patterned after;

12 (f) Develop and promote appropriate information and communications
13 technologies to facilitate quality open learning and distance education programs
14 in the country;

15 (g) Design and produce quality learning materials and objects, both in print
16 and multimedia formats, for higher education and post-secondary instruction in
17 the country;

18 (h) Make instructional materials for distance education programs accessible
19 to the public through collaborative arrangements and other appropriate
20 mechanisms;

21 (i) Assist other interested educational institutions in developing their
22 distance education programs, courses and materials for specific learner groups
23 or the public at large;

24 (j) Design and implement a continuing program to develop high level
25 expertise in the fields of open learning and distance education in the Philippines
26 through quality formal academic degree programs and nonformal courses

1 through either or both distance and face-to-face modes of instruction and
2 training; and

3 (k) Help capacitate distance education teachers and practitioners through
4 capacity building and professionalization programs.

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

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

11 (b) Formulate and implement strategies to improve the quality of distance
12 education programs and implement a system of quality control for open learning
13 and distance education in the country;

14 (c) Monitor and evaluate existing open learning and distance education
15 programs and effect the continuation or closure of programs in accordance with
16 the provisions of the implementing rules and regulations for distance education
17 in the country;

18 (d) Review and approve or disapprove proposals from HEIs for the
19 implementation of new distance education programs; and

20 (e) Recommend to the Department of Budget and Management (DBM) the
21 budget for distance education programs of qualified state HEIs and public post-
22 secondary schools based on the respective monitoring and evaluation results of
23 the CHED and the TESDA.

24 SEC. 13. *Roles of Broadcast Media and Telecommunications Networks.* –
25 Broadcast media and telecommunications networks are encouraged to provide as
26 much assistance and cooperation to HEIs offering open learning and distance

1 education programs. Such assistance may include, but not necessarily be
2 limited to, the transmission of learning materials for formal and nonformal
3 courses to learners not only within the Philippines, but also outside the country.

4 SEC. 14. *Independent Evaluation.* – In aid of better policy making, the
5 CHED and the TESDA shall enter into an agreement with the Department of
6 Science and Technology (DOST) and other reputable research institutions to
7 conduct an independent evaluation of the state, regulatory governance, quality,
8 concerns, challenges and prospects of open learning and distance education in
9 the Philippines. It shall survey a diverse group of HEIs with respect to size,
10 mission and geographic distribution.

11 SEC. 15. *Interim and Final Report.* – The agreement under Section 14 hereof
12 shall require that the DOST submit to the CHED Chair and the TESDA Director-
13 General, the Senate Committee on Education, Culture and the Arts, and the
14 House Committee on Higher and Technical Education the following:

15 (a) An interim report regarding the evaluation under Section 14 hereof not
16 later than six (6) months after the date of enactment of this Act; and

17 (b) A final report regarding such evaluation not later than one (1) year after
18 the date of enactment of this Act.

19 SEC. 16. *Tax Incentives.* – Any donation, contribution, bequest and grant,
20 in cash and/or services which may be made by individuals and organizations,
21 including, but not limited, to private entities such as private schools,
22 broadcasting companies, telecommunications networks which shall provide
23 appropriate materials, time and delivery support services for the promotion of
24 open learning and distance education in partnership with HEIs delivering
25 academic degree programs through distance education, shall be exempt from the
26 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 accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

SEC. 17. *Implementing Rules and Regulations.* – The CHED, through its Technical Panel for Distance Education, the TESDA and the UPOU, 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. 18. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be included in the respective budgets of the CHED, the TESDA, the UPOU and HEIs and post-secondary technical/vocational schools which have existing open learning and distance education programs in the annual General Appropriations Act.

SEC. 19. *Separability Clause.* – If any provision of this Act or any part hereof be declared unconstitutional or invalid, the same shall not affect the validity of the other provisions of this Act.

SEC. 20. *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. 21. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,