

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
SIXTEENTH CONGRESS
FIRST REGULAR SESSION
HOUSE BILL NO. 1877



Introduced by **Honorable Oscar "Richard" S. Garin, Jr.**

**"AN ACT AMENDING REPUBLIC ACT 7160 OTHERWISE KNOWN
AS THE LOCAL GOVERNMENT CODE OF 1991"**

EXPLANATORY NOTE

Section 17, Article II of the 1987 Philippine Constitution explicitly provides that **"The State shall give priority to education**, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development." (emphasis supplied)

This declared policy of the state is further amplified in Article XIV of fundamental law, pertinent provisions of which read:

"Section 1. 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.

Section 2. The State shall:

Establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society;

xxx

Establish and maintain a system of scholarship grants, student loan programs, subsidies, and other incentives which shall be available to deserving students in both public and private schools, especially to the under-privileged;

xxx

Section 5.

The State shall take into account regional and sectoral needs and conditions and shall encourage local planning in the development of educational policies and programs.

Moreover, Section 1, Article III of the 1987 Philippine Constitution provides:

"Section 1. No person shall be deprived of life, liberty, or property without due process of law, **nor shall any person be denied the equal protection of the laws.**" (emphasis supplied)

The equal protection clause of the Constitution was amply explained by the Supreme Court in this wise:

"The equal protection of the law clause is against undue favor and individual or class privilege, as well as hostile discrimination or the oppression of inequality. It is not intended to prohibit legislation, which is limited either in the object to which it is directed or by territory within which is to operate. It does not demand absolute equality among residents it merely requires that all persons shall be treated alike, under like circumstances and conditions both as to privileges conferred and liabilities enforced. The equal protection clause is not infringed by legislation which applies only to those persons falling within a specified class, if it applies alike to all persons within such class, and reasonable grounds exists for making a distinction between those who fall within such class and those who do not."(Ichong, et. al. vs. Hernandez, et. al. G.R. No.L-7995, May 31, 1957 citing 2 Cooley, Constitutional Limitations, 824-825. En Banc; emphasis supplied)

As the presiding officer of the 10th Sangguniang Panlalawigan ng Iloilo and at the same time, Chairman of the Committee on Education, I feel that this 16th Congress should look into Sections 447 (a) (5) (xi) and 458 (a) (5) (xi) of the Local Government Code of 1991 which read, to quote:

Section 447 (a) (5) (xi) of the Local Government Code mandates a municipality to:

(5) Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of this Code, and in addition to said services and facilities, shall:

xxx

(xi) Establish a scholarship fund for poor but deserving students residing within the municipality **in schools located within its jurisdiction**; (emphasis supplied)

It can be noted that **Section 458 (a) (5) (xi) of the Local Government Code**
On Section 458 (a) (5) (xi) of the Local Government Code authorizes a city to:

(5) Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of this Code, and in addition to said services and facilities, shall:

xxx

(xi) Establish a scholarship fund for the poor but deserving students **in schools located within its jurisdiction** or for students residing within the city;

By applying the above-cited provisions of the Local Government Code, it appears that unfair distinction exists between cities and municipalities who have tertiary learning institutions and those who have not. Thus, the need to level the playing field by way of this proposed amendment.


OSCAR "RICHARD" S. GARIN, JR.

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

Section 1. Short Title. - This amendment shall be known as the "Local
Government Scholarship Reform Act of 2013."

Section 2. Section 447 (a) (5) (xi) of the Republic Act 7160 is hereby amended
to read as follows:

"Section 447 (a) (5) (xi) of the Local Government Code is hereby
amended to read, as follows: *"(5) Approve ordinances which shall ensure the
efficient and effective delivery of the basic services and facilities as provided for
under Section 17 of this Code, and in addition to said services and facilities,
shall:*

xxx

*(xi) Establish a scholarship fund for poor but deserving students residing
within the municipality in schools **WITHIN THE REGION;**"*

Section 3. Section 458 (a) (5) (xi) of the Republic Act 7160 is hereby amended
to read as follows:

" Section 458 (a) (5) (xi) of the Local Government Code is hereby amended to
read, as follows: *"(5) Approve ordinances which shall ensure the efficient and
effective delivery of the basic services and facilities as provided for under
Section 17 of this Code, and in addition to said services and facilities, shall:*

xxx

*(xi) Establish a scholarship fund for the poor but deserving students residing
within the city in schools **WITHIN THE REGION;**"*

Section 4. *Separability Clause.* – If any part, section or provision of this Act is held invalid or unconstitutional, the other parts or provisions not affected thereby shall remain in force and effect.

Section 5. *Repealing Clause.* – All other laws, decrees, orders, issuances, rules and regulations that are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 6. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in any newspaper of general circulation.

Approved,