

Republic of the Philippine
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 2055



INTRODUCED BY : REP. MARIANO U. PIAMONTE, JR. and
REP. JULIETA R. CORTUNA

EXPLANATORY NOTE

The State is mandated by the Constitution of the Republic of the Philippines to expand and further democratize access to quality education at the post-secondary and tertiary levels. Government efforts to comply with this constitutional mandate has led to 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.

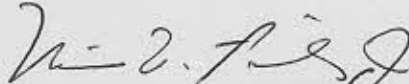
While there are already a few higher education institutions (HEIs) that have ventured to promote the philosophy of open learning, as well as the distance education mode of delivery of education services, there is still a need to strengthen and institutionalize the said philosophy and mode of delivery of education to ensure that majority of students, especially those in the remote areas of the country, are benefitted by the program.

This bill applies to all public and private 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 implementors of open learning and distance education programs. It also mandates the Commission on Higher Education, the Technical Education and Skills Development Authority and the University of the Philippines Open University (UPOU) to provide support to HEIs and post-secondary institutes in developing and providing high quality programs and offerings in open, distance and online learning. This support includes the following: Training of qualified teachers, providers and other professionals; Curriculum, courseware and program development; Cyber infrastructure planning, resource sourcing and implementation; School operations and management planning and development, including support services, learning management systems, instructional design and development, and research on emerging technologies; and Institutional linkages and networking.

Moreover, the bill recognizes the role of the UPOU in providing 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. As the national open university, the UPOU shall: a) Promote best

practices in open learning and distance education in the Philippines; b) 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; c) 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; and 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, among others.

In view of the foregoing reasons, immediate approval of this measure is earnestly sought.


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HOUSE BILL NO. 2055

Introduced by: REP. MARIANO U. PIAMONTE, JR. and
REP. JULIETA R. CORTUNA

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 2013.”

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

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

- 17 (a) Open Learning – refers to a philosophy of learning that is quality-
18 assured, open to people, methods, places and ideas, and is highly
19 flexible and learner-centered, enabling the latter to learn at the
20 time, place and pace which satisfy the person's circumstances and
21 requirements;
22 (b) Distance Education – refers to a mode of educational delivery
23 whereby the teacher and learner are separated in time and space,
24 and the instruction is delivered through specially designed
25 materials and methods using appropriate technologies and
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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 - 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);
- (f) Tertiary Education – refers 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 TESDA; and
- (h) Technical-Vocational Programs - 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. 5. Institutionalization of Distance Education. – Distance education is hereby institutionalized in the Philippines in accordance with the provisions of this Act. Due diligence is likewise encouraged in seeing to it that equivalence or comparability with existing standards in both the traditional/residential or alternative education systems is ensured.

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

- 1
2 (c) Compliance with the other admission requirements of the
3 admitting higher education or post secondary institutions that are
4 instituted in accordance with the standards set by the CHED and
5 TESDA, respectively.
6

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

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

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

25 (b) The institution concerned shall formulate and implement a mechanism to
26 monitor the academic progress of the students;
27

28 (c) The curricular offerings using the open learning philosophy which are
29 offered through the distance education mode shall conform to respective
30 policies, standards, and guidelines for distance education of CHED and
31 TESDA;
32

33 (d) Completion of all the requirements for the academic program shall be
34 evidenced by the award of the appropriate academic degree; and
35

36 (e) For the practice of the profession for which one has acquired the necessary
37 academic credentials through distance education, the existing requirements of
38 passing a board examination shall apply.
39

40 **SEC. 8. Mode of Delivery.** Open Learning/Distance Education may be delivered
41 using information and communications technology and other approaches, such as
42 but not limited, to the following:
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44 (a) Print – textbooks, study guides, workbooks, course syllabi,
45 correspondence feedback, and other print formats;
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47 (b) Audio-Visual – radio, audio cassettes, slides, film, videotapes,
48 television, telephone, fax, audio-conferencing, and video-conferencing;
49

50 (c) Electronic/Computer Technology and Virtual Classrooms – CD-ROM,
51 electronic mail, e-bulletin boards, world-wide web, podcasts, m-learning, i-
52 lectures, e-learning or online learning management systems; and
53

54 (d) Face-to-face sessions – conducted in learning and study centers.
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3 **SEC. 9. *Support to Open Learning and Distance Education Programs.*** – The
4 CHED, TESDA and the University of the Philippines Open University (UPOU) shall
5 provide support to higher education institutions and post secondary schools in
6 developing and providing high quality programs and offerings in open, distance and
7 online learning. This support includes, among others:

- 8
9 (a) Training of qualified teachers, providers and other professionals;
10
11 (b) Curriculum, courseware and program development;
12
13 (c) Cyber infrastructure planning, resource sourcing and implementation;
14
15 (d) School operations and management planning and development,
16 including support services, learning management systems,
17 instructional design and development, and research on emerging
18 technologies; and
19
20 (e) Institutional linkages and networking.

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

- 30
31 (a) Provide clear admission policies and procedures for applicants;
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33 (b) Maintain faculty-student dialogue and interactivity through virtual
34 classrooms linked electronically or through established learning
35 centers or both, whichever may be feasible, to ensure greater
36 knowledge sharing, access to counseling and other support services;
37
38 (c) Provide for an efficient and reliable communication system, feedback
39 mechanism, especially on learners' academic progress, and
40 multimedia support;
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42 (d) Show evidence of regular monitoring of learners' progress; and
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44 (e) Provide a wide range of relevant, updated and accessible learning
45 resources that are easily accessible to students.
46

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

- 50
51 (a) Provide leadership in the development of open learning and distance
52 education expertise in the country and in the appropriate use of
53 information and communications technologies in support of quality
54 higher education;
55

- 1 (b) Promote best practices in open learning and distance education in the
2 Philippines;
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4
5 (c) Share knowledge through informed and innovative research and other
6 development activities related to distance education through its exemplar
7 policies, programs, materials, learning management systems guidelines
8 and offerings;
9
10 (d) Provide technical assistance to CHED and TESDA on matters relating to
11 distance education policies, guidelines and standards, particularly in
12 implementing an accreditation system for open learning and distance
13 education programs and institutions in the country;
14
15 (e) Design model curricular programs which shall serve as prototype
16 programs upon which similar programs to be offered by other HEIs in the
17 country may be patterned after;
18
19 (f) Develop and promote appropriate information and communication
20 technologies to facilitate quality open learning and distance education
21 programs in the country;
22
23 (g) Design and produce quality learning materials and objects, both in print
24 and multimedia formats, for higher education and post-secondary
25 instruction in the country;
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27 (h) Make instructional materials for distance education programs accessible
28 to the public through collaborative arrangements and other appropriate
29 mechanisms;
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31 (i) Assist other interested educational institutions in developing their
32 distance education programs, courses, and materials for specific learner
33 groups or the public at large; and
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35 (j) Design and implement a continuing program to develop high level
36 expertise in the fields of open learning and distance education in the
37 Philippines through quality formal academic degree programs and non-
38 formal courses through either or both distance and face-to-face modes of
39 instruction and training; and
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41 (k) Help capacitate distance education teachers and practitioners through
42 capacity building and professionalization programs.
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44 **SEC. 12. Roles of the CHED and the TESDA.** – The CHED and the TESDA shall
45 be the respective regulators of HEIs and post-secondary schools involved in open
46 learning and distance education. As such, they shall:
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- 48 (a) Formulate, promulgate, disseminate and implement the necessary
49 policies, standards, guidelines, rules and regulations for the effective
50 implementation of distance education in the country;
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52 (b) Formulate and implement strategies to improve the quality of distance
53 education programs and implement a system of quality control for open
54 learning and distance education in the country;
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- 1 (c) Monitor and evaluate existing open learning and distance education
2 programs and effect the continuation or closure of programs in
3 accordance with the provisions of the implementing rules and regulations
4 for distance education in the country;
5
6 (d) Review and approve or disapprove proposals from higher education
7 institutions for the implementation of new distance education programs;
8 and
9
10 (e) Recommend to the Department of Budget and Management (DBM) the
11 budget for distance education programs of qualified state higher
12 education institutions and public post secondary schools based on the
13 respective monitoring and evaluation results of the CHED and TESDA.
14

15 **SEC. 13. *Roles of Broadcast Media and Telecommunications Networks.*** –
16 Broadcast media and telecommunications networks are encouraged to provide as
17 much assistance and cooperation to higher education institutions offering open
18 learning and distance education programs. Such assistance may include, but not
19 necessarily be limited to, the transmission of learning materials for formal and non-
20 formal courses to learners not only within the Philippines, but also outside the
21 country.
22

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

38 (b) A final report regarding such evaluation not later than one (1) year
39 after the date of the enactment of this Act.
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41 **SEC. 16. *Tax Incentives.*** – Any donation, contribution, bequest and grant, in
42 cash and/or services which may be made by individuals and organizations,
43 including, but not limited, to private entities such as private schools, broadcasting
44 companies, telecommunications networks which shall provide appropriate
45 materials, time and delivery support services for the promotion of open learning and
46 distance education in partnership with HEIs delivering academic degree programs
47 through distance education, shall be exempt from the donor's tax and the same
48 shall be considered as allowable deduction from the gross income in the
49 computation of the income tax of the donor in accordance with the provisions of the
50 National Internal Revenue Code of 1997, as amended.
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52 **SEC. 17. *Implementing Rules and Regulations.*** – The CHED, through its
53 Technical Panel for Distance Education, the Technical Education and Skills
54 Development Authority, and the UPOU, in consultation with relevant stakeholders in

1 higher and technical education, are hereby mandated to formulate the rules and
2 regulations to implement this Act within a period of ninety (90) days from the
3 effectivity thereof.
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5 **SEC. 18. Appropriations.** – The amount necessary to carry out the provisions
6 of this Act shall be included in the respective budget of the CHED, TESDA, UPOU
7 and higher education institutions and post-secondary technical/vocational schools
8 which have existing open learning and distance education programs in the annual
9 General Appropriations Act.
10

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