

Republic of the Philippine
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 2786



INTRODUCED BY REP. ROMAN T. ROMULO

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.

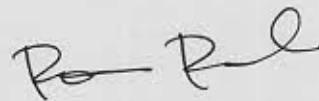
While there are already a few higher education institutions (HEIs) that have ventured to promote the philosophy of open learning, as well as the distance education mode of delivery of education services, there is still a need to strengthen and institutionalize the said philosophy and mode of delivery 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 institutes (TVIs) in the Philippines which have existing open learning and distance education programs, and to other HEIs and TVIs which shall later be authorized as qualified implementers 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.

The measure also enumerates the guiding principles for distance education courses and subjects and proposes the establishment of zonal distance education centers to assist the UPOU in its multifarious tasks, which include the training of teachers engaged in the distance education mode of delivering educational services. Moreover, the bill recognizes the role of the UPOU as the national open university 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 such, 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 OF REPRESENTATIVES
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HOUSE BILL NO. **2786**

Introduced by: REP. ROMAN T. ROMULO

AN ACT

EXPANDING ACCESS TO EDUCATIONAL SERVICES BY INSTITUTIONALIZING OPEN
LEARNING AND DISTANCE EDUCATION IN HIGHER AND TECHNICAL 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.”

3 SEC. 2. *Declaration of Policy* – It is hereby declared the policy of the State to expand
4 and further democratize access to quality higher and technical education through the
5 promotion and application of open learning as a philosophy of access to educational
6 services, and the use of distance education as an appropriate, efficient and effective system
7 of delivering quality higher and technical educational services in the country.

8
9 SEC. 3. *Definition of Terms* – For purposes of this Act, the following terms are hereby
10 defined:

- 11
12 (a) Open Learning – shall refer to a philosophy of learning that is quality-assured,
13 open to people, methods, places and ideas, and is highly flexible and learner-
14 centered, enabling the latter to learn at the time, place and pace which satisfy
15 the person's circumstances and requirements;
16
17 (b) Distance Education – shall refer to a mode of educational delivery whereby the
18 teacher and learner are separated in time and space, and the instruction is
19 delivered through specially designed materials and methods using appropriate
20 technologies and learning management systems and supported by
21 organizational and administrative structures and arrangements. It enables
22 learning to take place from a distance, virtually and differently from the
23 conventional classroom or traditional mode;
24
25 (c) Open University/College/Institution – shall refer to a higher education institution
26 that is a separate, autonomous, and degree-granting academic entity which
27 employs operational procedures and strategies of an open learning institution;
28
29 (d) Center/Institute/School of Distance Education – shall refer to a subsidiary of a
30 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 higher education institution;

- (e) Higher Education Institution (HEI) - shall refer to an institution of higher learning which primarily offers degree-granting programs duly recognized by the Commission on Higher Education (CHED) and leading to the conferment of a diploma;
- (f) Higher Education – shall refer to the higher learning level after high school offering baccalaureate, graduate or post-graduate programs;
- (g) Technical-Vocational Institute (TVI) – shall refer to an institution providing post-secondary technical-vocational education and training leading to the conferment of a certificate or diploma based on the Philippine Qualifications Framework;
- (h) Technical Education - shall refer to post-secondary non-degree technical-vocational programs duly recognized and accredited by the TESDA; and
- (i) Technical-Vocational Programs - refers 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. 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. 5. *Guiding Principles for Distance Education Courses/Subjects* – All subjects/courses offered in the distance education modes shall adhere to the following principles:

(a) *Learner Centeredness* – Distance education programs shall focus on the needs of the learner and the goal of facilitating independent learning. These programs shall not be driven merely by available technologies, but rather by the need to enable demonstrable learning in an accessible environment;

(b) *Rigorous and Sound Instructional Design* – Distance education programs shall be equivalent in challenges and depth to conventional programs. Academically qualified individuals must make instructional design decisions in the analysis, design, development, implementation and evaluation of distance education courses;

(c) *Transparency and Peer Review to Guide Informed Choice* – Distance education implementers shall make information about their programs particularly on the curriculum and delivery system, instructional materials development, delivery mode/strategies, student support services, and other relevant information available to accrediting bodies, academic peers, regulators and students. Updates/information shall be made accessible through such media as the World Wide Web;

(d) *Public Responsibility and Accountability* – Implementers shall take heed of the public impact of distance education programs and shall always exercise due diligence in avoiding harm to program stakeholders, especially students. Consumer protection, in particular, shall be a priority because of the high value that Filipinos put on education;

1
2 (e) Quality and Continuous Improvement. Implementers shall embed in their
3 program framework the proactive identification of student and stakeholder needs and the
4 monitoring of student and stakeholder satisfaction in order to continuously improve all
5 aspects of development and delivery.
6

7 SEC. 6. *Scope and Limitation* - This Act shall apply to all public and private HEIs and
8 post-secondary technical-vocational institutes (TVIs) in the Philippines which have existing
9 open learning and distance education programs, and to other HEIs and TVIs in the country
10 which shall later be authorized as qualified implementers of open learning and distance
11 education programs.
12

13 This Act shall not include foreign higher and technical education providers of open
14 learning/distance education to students based in the Philippines.
15

16 SEC. 7. *Admission and Other Academic Policies and Requirements* – Admission and
17 other academic policies and requirements in HEIs offering higher education through
18 distance education programs shall be governed by a set of policies, standards and
19 requirements set for tertiary education by duly authorized academic bodies such as Board
20 of Regents/Trustees, University/Faculty Councils, and/or the Commission on Higher
21 Education, and for technical-vocational courses in the post secondary level by the
22 Technical Education and Skills Development Authority such as, but not limited to, the
23 following:
24

- 25 (a) Completion of secondary education;
26
27 (b) Passing an entrance examination given by the HEI or TVI; and
28
29 (c) Compliance with the other admission requirements of the admitting higher
30 education or post secondary institutions that are instituted in accordance with the
31 standards set by the CHED and TESDA, respectively.
32

33 SEC. 8. *Program, Curriculum and Course Development Offerings and Requirements*
34 – Course offerings and programs of distance education schools should be comparable in
35 standards, practice and policies to other HEIs and TVIs. Curricula, requirements for
36 admission and graduation should also be at par with traditional or conventional systems,
37 and should similarly be subject to regulations by appropriate authorities like CHED or
38 TESDA.
39

40 There shall be defined a set of courses/subjects/modules and/or examinations,
41 and/or special projects and activities, the completion of which shall be required for
42 graduation from the academic degree program, and which shall be equivalent to those
43 under the conventional mode of instruction. The following shall also be considered:
44

- 45 (a) The place, pace, and mode of study of the student shall be at the option and
46 convenience of the student within the time frame as may be prescribed by the
47 learning institution: *Provided*, That, the content, context and conduct of
48 examination shall be determined by the institution;
49
50 (b) The concerned HEI or TVI shall formulate and implement a mechanism to monitor
51 the academic progress of the students;
52
53 (c) The curricular offerings using the open learning philosophy which are offered
54 through the distance education mode shall conform to respective policies, standards,
55 and guidelines for distance education of CHED and TESDA;

(d) Completion of all the requirements for the academic or technical vocational program shall be evidenced by the award of the appropriate academic degree or national certificate; 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. 9. *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. 10. *Support to Open Learning and Distance Education Programs* – To enhance the impact of distance education, the CHED, TESDA and the University of the Philippines Open University (UPOU) shall provide support to HEIs and TVIs 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) Relevant curriculum, courseware and program development;

(c) Appropriate learning materials;

(d) Cyber infrastructure planning, resource sourcing and implementation;

(e) School operations and management planning and development, including support services, learning management systems, instructional design and development, and research on emerging technologies; and

(f) Formal linkages and networking with institutions which may serve as learning or testing centers.

SEC. 11. *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 the availment of scholarship, grant, and loans from the government or government-administered funding sources. Specifically, HEIs and TVIs engaged in open learning and distance 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. 12. *Role of the University of the Philippines Open University* - The University of the Philippines Open University, hereinafter referred to as the UPOU, shall be the National Open University pursuant to Republic Act 9500 (UP Charter of 2008). 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, particularly in the formulation of national policies, standards and guidelines 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

1 (j) Design and implement a continuing program to develop high level expertise in
2 the fields of open learning and distance education in the Philippines through
3 quality formal academic degree programs and non-formal courses through
4 either or both distance and face-to-face modes of instruction and training; and

5
6 (k) Help capacitate distance education teachers and practitioners through capacity
7 building and professionalization programs.

8
9 SEC. 13. *Zonal Distance Education Centers* – Zonal distance education centers shall
10 be established, one each in Metro Manila, Luzon, Visayas and Mindanao, to assist the
11 UPOU in performing its multifarious tasks. The zonal distance education centers shall take
12 charge of the training of teachers of open learning/distance education

13
14 SEC. 14. *Roles of the CHED and the TESDA* – The CHED and the TESDA shall
15 assist HEIs and TVIs in developing their capability to offer open learning/distance
16 education programs. They shall also be the respective regulators of HEIs and TVIs
17 involved in open learning and distance education. As such, they shall:

18
19 (a) Formulate, promulgate, disseminate and implement the necessary policies,
20 standards, guidelines, rules and regulations for the effective implementation of
21 distance education in the country;

22
23 (b) Formulate strategies to improve the quality of distance education programs and
24 implement a system of quality control for open learning and distance education
25 in the country;

26
27 (c) Monitor and evaluate existing open learning and distance education programs
28 and effect the continuation or closure of programs in accordance with the
29 provisions of the implementing rules and regulations for distance education in
30 the country;

31
32 (d) Review and approve or disapprove proposals from higher education institutions
33 for the implementation of new distance education programs; and

34
35 (e) Recommend to the Department of Budget and Management (DBM) the budget
36 for distance education programs of qualified state higher education institutions
37 and public post secondary schools based on the respective monitoring and
38 evaluation results of the CHED and TESDA.

39
40 SEC. 15. *Roles of Broadcast Media and Telecommunications Networks* – Broadcast
41 media and telecommunications networks are encouraged to provide as much assistance
42 and cooperation to higher education institutions offering open learning and distance
43 education programs. Such assistance may include, but not necessarily be limited to, the
44 transmission of learning materials for formal and non-formal courses to learners not only
45 within the Philippines, but also outside the country.

46
47 SEC. 16. *Independent Evaluation* - In aid of better policy making, the CHED and
48 TESDA shall enter into an agreement with the Department of Science and Technology
49 (DOST) and other reputable research institutions to conduct an independent evaluation of
50 the state, regulatory governance, quality, concerns, challenges and prospects of open
51 learning and distance education in the Philippines. It shall survey a diverse group of HEIs
52 with respect to size, mission and geographic distribution.

53
54 SEC. 17. *Interim and Final Report* - The agreement under Section 14 shall require
55 that the DOST submit to the CHED Chair and the TESDA Director-General, the Senate

1 Committee on Education, Culture and the Arts, and the House Committee on Higher and
2 Technical Education the following:

3
4 (a) An interim report regarding the evaluation under Section 14 not later than six
5 (6) months after the date of enactment of this Act; and

6
7 (b) A final report regarding such evaluation not later than one (1) year after the
8 date of the enactment of this Act.
9

10 SEC. 18. *Tax Incentives* – Any donation, contribution, bequest and grant, in cash
11 and/or services which may be made by individuals and organizations, including, but not
12 limited, to private entities such as private schools, broadcasting companies,
13 telecommunications networks which shall provide appropriate materials, time and delivery
14 support services for the promotion of open learning and distance education in partnership
15 with HEIs delivering academic degree programs through distance education, shall be
16 exempt from the donor's tax and the same shall be considered as allowable deduction from
17 the gross income in the computation of the income tax of the donor in accordance with the
18 provisions of the National Internal Revenue Code of 1997, as amended.
19

20 SEC. 19. *Implementing Rules and Regulations* – The CHED, through its Technical
21 Panel for Distance Education, the TESDA, and the UPOU, in consultation with relevant
22 stakeholders in higher and technical education, such as the Philippine Association of State
23 Universities and Colleges (PASUC), Coordinating Council of Private Educational
24 Associations (COCOPEA), and Association of Local Colleges and Universities (ALCU),
25 among others, are hereby mandated to formulate the rules and regulations to implement
26 this Act within a period of ninety (90) days from the effectivity thereof.
27

28 SEC. 20. *Appropriations* – The amount necessary to carry out the provisions of this
29 Act shall be included in the respective budget of the CHED, TESDA, UPOU and higher
30 education institutions and post-secondary technical/vocational schools which have existing
31 open learning and distance education programs in the annual General Appropriations Act.
32

33 SEC. 21. *Separability Clause* - If any provision of this Act or any part thereof be
34 declared unconstitutional or invalid, the same shall not affect the validity of the other
35 provisions of this Act.
36

37 SEC. 22. *Repealing Clause* – All laws, decrees, orders, rules and regulations or parts
38 thereof which are inconsistent with the provisions of this Act are hereby repealed,
39 amended or modified accordingly.
40

41 SEC. 23. *Effectivity* – This Act shall take effect fifteen (15) days after its publication in
42 a newspaper of general circulation.

Approved,