



Fifteenth Congress
Second Regular Session
HOUSE BILL NO. **3977**

Introduced by Honorable Rosendo "Dodoy" S. Labadlabad

EXPLANATORY NOTE

Section 2 of Article XIV of the Constitution states, in part, that:

"(2) The State shall establish and maintain a system of free public education in the elementary and high school levels. Without limiting the natural right of parents to rear their children, elementary education is compulsory for all children of school age;"

The Constitution of the Philippines mandates the government to ensure that public education in the elementary and high-school levels are free. At the same time, it requires that elementary education shall be compulsory for all children of school age.

Although public education in elementary and high school levels is free in the Philippines, there are still thousands of children who are out of school. These are children who either do not attend school at all or those who have dropped out of school. According to the Department of Education (DepEd), there is one out of three children who drops out of elementary school before reaching grade 6, and more dropout cases in the secondary level. Many students do not go to school or drop out before completing the elementary level due to poverty. Though schooling is free, there are other expenses which poor families have difficulty in meeting, such as school supplies, uniforms, and transportation.

Consequently, children of school age are working for a living in order to meet the family needs. Impoverished parents allow or force their children of school age to work instead of going to elementary or high school. Presently, there are thousands of children of school age who labor in the farms or business establishments, working as household helpers, peddle on streets or just bumming around aimlessly with no reading and writing skills. Many such children become easy prey to bad elements engaged in drug trafficking, prostitution, snatching and other criminal activities. Unscrupulous individuals and criminal syndicates use and exploit these children in the furtherance of their criminal operations.

Many children who do attend school receive inadequate education because of poorly trained and underpaid teachers, overcrowded classrooms, poor conditions of classrooms and toilets, and lack of basic teaching tools, such as textbooks, blackboards, and pens and paper. These are the other reasons why children are discouraged to pursue their basic education.

Cognizant of the importance of education as a tool to a nation's progress, the mandate of this bill is to strengthen the free and compulsory public elementary education for children of compulsory school age of six (6) to fourteen (14) years old in order to ensure the welfare of the children and to fully promote and develop their skills and potentials during their formative years. Among others, the bill aims to: (a) establish an elementary school as far as practicable in every barangay, (b) impose the direct involvement of LGUs in the monitoring of the education of children in their respective areas, (c) grant the benefits under the "*Pantawid Pamilyang Pilipino Program*" to indigent families, (d) require any parent or guardian who does not send the child to school to attend community seminar on the importance of education or render community service in the barangay, and penalize him/her for the third and subsequent offenses: and (e) penalize the punong barangay who fails to perform the duty to monitor the school attendance of children of compulsory school age within the barangay.

In view of the foregoing, passage of this bill is earnestly encouraged.



ROSENDO "DODOY" S. LABADLABAD

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AN ACT
STRENGTHENING THE FREE AND COMPULSORY PUBLIC
ELEMENTARY EDUCATION AND PROVIDING PENALTIES
FOR VIOLATION THEREOF

*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
“*Strengthened Public Elementary Education Act.*”

SEC. 2. *Declaration of Policy.* – It is the policy of the State to
protect and promote the right of the citizens to quality education and to
take appropriate steps to make education accessible to all. Towards this
end, the State shall strengthen the compulsory public elementary
education for children of compulsory school age to fully promote and
develop their skills and potentials during their early formative years.

SEC. 3. *Barangay Elementary School or Learning Center.* –
There shall be established, as far as practicable, a public elementary
school in every barangay for children of compulsory school age. In

barangays where there is no elementary school, the city or municipal government shall establish a learning center which shall house the learning resources and facilities for children of compulsory age. The learning center shall be a venue for face-to-face activities and other opportunities for the education of children of compulsory age. The learning center shall be under the supervision of the Department of Education (DepEd).

For purposes of this Act, "*child or children of compulsory school age*" refers to children from the age of six (6) to fourteen (14) years of age.

SEC. 4. *Enrolment of a Child.* – Every parent or guardian shall enrol the child of compulsory age in the public elementary school or learning center to ensure the welfare of the child and the promotion of the child's right to quality education, except when:

- a) There is a threat to the health, safety or welfare of the child and the parents can show the threat is imminent;
- b) The child has reached fifteen (15) years of age;
- c) The child is mentally, physically, emotionally or behaviourally handicapped which requires special and appropriate education;
- d) The parents object in accordance with their religious beliefs or practices; and

e) Hazardous conditions are present between the child's home and the designated public school or the school is so located that there is no means of transportation to enable such child to attend classes.

SEC. 5. *Class Attendance of Children.* – It shall be the responsibility of every parent or guardian to see to it that the child will attend all the classes during the entire school year subject to exemptions as provided in this Act and other circumstances for exemption from compulsory attendance to be determined by the DepEd.

SEC. 6. *Counselling of DSWD.* – A child of compulsory age who absents or refuses to attend school classes without cause for more than three (3) consecutive days shall be referred by the school principal to the local office of the Department of Social Welfare and Development (DSWD) for counselling on the importance of education and class attendance until such time the local social welfare development officer is fully convinced that the child will regularly attend the school classes again.

SEC. 7. *Free School Fees and Other School Charges.* – No child shall pay any kind of school fees or charges which may prevent the child from pursuing and completing the elementary education: *Provided,* That a child suffering from disability who needs special school programs shall have the right to pursue the primary education in special schools to be established by DepEd.

SEC. 8. *Monitoring of Children of Compulsory Age.* – It

shall be the duty of the punong barangay to monitor and ensure that children of compulsory school age are afforded the opportunity to obtain basic literacy and functional skills.

For this purpose, the punong barangay shall submit periodic report to the local school board on the names and number of children of compulsory school age and whether they are attending school or not.

SEC. 9. *Strengthen the Basic Education Units.* – To carry out the provisions of this Act, the DepEd shall:

- a) Enhance school effectiveness and learning outcomes through the development of skills and competence of school officials;
- b) Improve subject knowledge and skills of teachers;
- c) Improve availability of learning materials such as textbooks, manuals and instructional aids; and
- d) Improve learning environment through the construction or rehabilitation of classrooms and other learning centers.

The DepEd, in coordination with the local government units, shall ensure that the school children are provided with adequate classrooms, playgrounds, and facilities for sanitation, sports and physical development activities. The DepEd shall likewise ensure that the school environment is free from hazards to the health and safety of the students and that there are adequate safety measures for any emergencies such as accessible exits, fire fighting equipment, and the like. All students shall

have free access to adequate dental and medical services.

SEC. 10. ***Pantawid Pamilyang Pilipino Program.*** – To effectively implement the free and compulsory elementary education, the Department of Social Welfare and Development (DSWD), in coordination with DepEd, shall grant, upon registration as beneficiary, the benefits under the “*Pantawid Pamilyang Pilipino Program*” (4Ps) to poor indigent families: *Provided*, That the beneficiaries shall comply with the conditions of the 4Ps which requires among others that they shall enrol their children of compulsory school age to public elementary school and to attend at least eighty-five (85%) percent of school time. Likewise, the DSWD shall extend all the necessary assistance possible to parents, especially indigent ones, to enable children to acquire elementary education. Such assistance may be in the form of special school programs, supplies or food stamps to ensure the child’s attendance in school or access to elementary education.

SEC. 11. ***Penalties.*** – Any parent or guardian, who wilfully or without justifiable cause fails to enrol a child of compulsory age in the public elementary school or learning center or to ensure the attendance of said child in all the classes during the entire school year, shall be admonished by the punong barangay and required to attend community seminar on the importance of education to be organized by the barangay government in coordination with the Local School Board.

For the second offense, the parent or guardian shall be obliged to render one (1) month free community service in a public elementary school, learning center or any community program of the barangay. For the third and subsequent offenses, the parent or guardian shall, upon conviction, suffer the penalty of *arresto mayor* in its medium period. He/she shall not be eligible for probation.

Any *punong barangay* who is found guilty of violating Section 8 of this Act shall be suspended from office for not less than thirty (30) days but not more than forty-five (45) days or suffer a fine of not less than Five thousand pesos (P5,000.00) but not more than Ten thousand pesos (P10,000.00).

SEC. 12. ***Implementing Rules and Regulations-*** Within six (6) months from the effectivity of this Act, the Secretary of Education shall, in coordination with the Secretary of Social Welfare and Development, issue the necessary rules and regulations to carry out the objectives of this Act.

SEC.13. ***Appropriations.-*** The amount necessary for the implementation of this Act shall be charged to the appropriations of the Department of Education. Thereafter, such amount as maybe necessary for the continuous implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 14. ***Repealing Clause.*** – All laws, decrees, rules and regulations, and issuances, or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 15. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,