

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 5009



Introduced by Representative RAMON V. A. "RAV" ROCAMORA

EXPLANATORY NOTE

In 1994, Republic Act No. 7880, otherwise known as the Fair and Equitable Access to Education Act, was enacted to provide for a formula for the use of the Capital Outlay that is allocated to the Department of Education (DepEd) in its annual budget. This formula sought to focus the allocation on those legislative districts who are experiencing high rates of classroom shortages. Specifically, it outlined the following allocation:

- A. 50% pro-rata according to each legislative district's student population in relation to the total student population of the country;
- B. 40% only among those legislative districts with classroom shortages, pro-rata to the total classroom shortage of the country as determined by the DepEd; and
- C. 10% in accordance with the implementation of the policy of RA 7880 as determined by the DepEd.

However, after more than 20 years from the enactment of this law, the ideal student-classroom ratio (now pegged at 40:1 from the previous 45:1) has not been met. This has left many legislative districts, especially those with large student populations, still struggling with congestion and severely drained resources. Adding to this concern is the new challenge of providing for facilities to be used by the Senior High School program.

Thus, it is vital that the Fair and Equitable Access to Education Act be revisited and revised. Primarily, it must be amended to increase the allocation to those who are still lacking in classrooms. Specifically, the formula stated above is sought to be amended as follows:

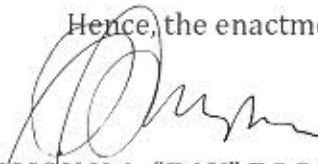
- A. 10% pro-rata according to the student population of each legislative district in relation to the total student population of the country;

B. 80% only among those legislative districts with classroom shortages, pro-rata to the total classroom shortage of the country as determined by the DepEd; and

C. 10% in accordance with the implementation of the policy of this Act as determined by the DepEd.

The significantly greater allocation to the legislative districts with classroom shortages should be able to boost the efforts in addressing the said issue. Likewise, a continuous increase of 20% in the annual allocation for Capital Outlay will be guaranteed until the problem of classroom shortage is finally eliminated.

Hence, the enactment of this bill is earnestly urged.



RAMON V.A. "RAV" ROCAMORA
Representative
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Introduced by Rep. Ramon V.A. "Rav" Rocamora

1 AN ACT ADDRESSING THE CLASSROOM SHORTAGE BY RATIONALIZING THE
2 ALLOCATION OF THE DEPARTMENT OF EDUCATION BUDGET FOR CAPITAL
3 OUTLAY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7880, OTHERWISE
4 KNOWN AS THE "FAIR AND EQUITABLE ACCESS TO EDUCATION ACT"
5

6 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
7 *assembled:*
8

9 **SECTION 1.** A new Section 3 is hereby inserted in Republic Act No. 7880 to read as
10 follows:
11

12 "SEC. 3. COVERAGE. - THE PROVISIONS OF THIS ACT SHALL COVER ALL
13 CAPITAL OUTLAY APPROPRIATIONS FOR THE DEPARTMENT OF EDUCATION
14 (DEPED), INCLUDING, BUT NOT LIMITED TO, THE FUNDS APPROPRIATED FOR
15 THE SCHOOL BUILDING PROGRAM AND LOCALLY-FUNDED PROJECTS OF THE
16 DEPED."
17

18 **SECTION 2.** Section 3 of the same Act is hereby amended to read as follows:
19

20 "SEC. 4. [3]. Definition of Terms. - As used in this Act, the following terms are
21 hereby defined as follows:
22

23 (A) Capital Outlay - refers to the provisions of the General
24 Appropriations Act, particularly those pertaining to the budget of the
25 [DECS] DEPED for elementary, SECONDARY, and SENIOR HIGH SCHOOL
26 [secondary] education for (i) the acquisition and improvement of sites;
27 (ii) the construction, replacement, rehabilitation, and repair of buildings,
28 classrooms, libraries, workshops, toilets AND SANITATION FACILITIES,
29 and other structures; and (iii) [furniture, fixtures, and equipment such
30 as, but not limited to, desks, chairs, laboratory and workshop
31 implements, computers, books,] OTHER PROPERTY, PLANT, AND
32 EQUIPMENT IN ACCORDANCE WITH THE CURRENT GOVERNMENT
33 ACCOUNTING STANDARDS PRESCRIBED BY THE COMMISSION ON
34 AUDIT, SUCH AS FURNITURE, FIXTURES, EQUIPMENT, COMPUTERS, and

1 other basic and essential tools for learning whose beneficial use shall
2 exceed one (1) year; and

3
4 (B) CLASSROOM - REFERS TO A STRUCTURE OR BUILDING INTENDED
5 FOR INSTRUCTIONAL PURPOSES, INCLUDING ITS CHAIRS, DESKS, AND
6 OTHER SIMILAR FIXTURES; AND

7
8 (C) Classroom Shortage - refers to the number of classrooms whose
9 construction, in considering the number of students divided by the
10 existing number of classrooms, shall result in a student-classroom ratio
11 of 40:1 [45:1]; classrooms, UNDER THIS DEFINITION, shall mean those
12 exclusively used for instructional purposes and shall exclude offices,
13 libraries, laboratories, workshops, and the like."

14
15 **SECTION 3.** Section 4 of the same Act is hereby repealed and a new Section 5 is hereby
16 inserted to read as follows:

17
18 "SEC. 5 [4]. Allocation of Appropriation. - Notwithstanding any provision of the
19 law to the contrary, the annual [DECS] DEPED budget for capital outlay, as
20 defined in Section [3] 4(a), shall be allocated among the legislative districts in
21 the following manner:

22
23 (A) TEN PERCENT (10%) OF THE TOTAL CAPITAL OUTLAY TO BE
24 ALLOCATED PRO-RATA ACCORDING TO THE STUDENT POPULATION
25 OF EACH LEGISLATIVE DISTRICT IN RELATION TO THE TOTAL
26 STUDENT POPULATION OF THE COUNTRY;

27
28 (B) EIGHTY PERCENT (80%) OF THE TOTAL CAPITAL OUTLAY TO BE
29 ALLOCATED ONLY AMONG THOSE LEGISLATIVE DISTRICTS WITH
30 CLASSROOM SHORTAGES, PRO-RATA TO THE TOTAL CLASSROOM
31 SHORTAGE OF THE COUNTRY PURSUANT TO SECTION 4(C) AS
32 DETERMINED BY THE DEPED; AND

33
34 (C) TEN PERCENT (10%) TO BE ALLOCATED TO NATIONAL HIGH
35 SCHOOLS IN ACCORDANCE WITH THE IMPLEMENTATION OF THE
36 POLICY OF THIS ACT AS MAY BE DETERMINED BY DEPED."

37
38 **SECTION 4.** Section 5 of the same Act is hereby amended to read as follows:

39
40 "SEC. 6 [5]. Use of Allocation. - The total amount allocated herein shall be used
41 exclusively for capital outlay pursuant to the educational priorities of the
42 legislative district, as determined by the [DECS] DEPED upon prior consultation
43 with the representative of each legislative district; Provided, That the primary
44 objective in the use of any allocation shall be to eliminate SCHOOL
45 BUILDING/classroom shortages, if any; PROVIDED, HOWEVER, THAT FOR
46 EVERY SCHOOL BUILDING/CLASSROOM CONSTRUCTED, THE APPROPRIATE
47 NUMBER OF TOILETS AND/OR SANITATION FACILITIES SHALL ALSO BE
48 CONSTRUCTED IN ACCORDANCE WITH THE SCHOOL SANITATION AND
49 HEALTH SERVICES CHAPTER OF THE CODE ON SANITATION OF THE

1 PHILIPPINES (CHAPTER VI, P.D. 856); Provided, further, That any amounts
2 allocated in accordance with [subparagraph (1) of paragraphs (a) and (b)]
3 PARAGRAPH (a) of the preceding section shall be used only for the acquisition or
4 improvement of school sites, construction of school buildings and classrooms,
5 and the purchase of material or equipment that directly aid in education;
6 Provided, furthermore, That the amount so appropriated in accordance with
7 [subparagraph (2) of paragraphs (a) and (b)] PARAGRAPH (b) of the same
8 section shall be used exclusively for the construction of new school buildings
9 AND/OR CLASSROOMS; Provided, finally, That if the amount so appropriated in
10 [subparagraph (2) of paragraphs (a) and (b)] PARAGRAPH (b) should exceed the
11 amount required to meet classroom shortage, the excess shall be integrated with
12 [subparagraph (1) of paragraphs (a) and (b)] PARAGRAPH (a) of the same
13 section excluding capital outlays of division [offices], regional, and central
14 offices."

15
16 **SECTION 5.** Two new sections of the same Act are hereby inserted after Section 5 to
17 read as follows:

18
19 "SEC. 7. INCREASE IN THE ANNUAL BUDGET ALLOCATION. - THE BUDGET
20 ALLOCATION PROVIDED FOR THE CAPITAL OUTLAY OF THE DEPED UNDER
21 THIS ACT SHALL BE INCREASED ANNUALLY BY TWENTY PERCENT (20%)
22 UNTIL THE TARGETED STUDENT-CLASSROOM RATIO IS ACHIEVED AND THE
23 CLASSROOM SHORTAGE IN THE COUNTRY HAS BEEN ELIMINATED.

24
25 SEC. 8. REPORTORIAL REQUIREMENT. - THE DEPARTMENT OF BUDGET AND
26 MANAGEMENT (DBM), THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
27 (DPWH), AND THE DEPED ARE REQUIRED TO SUBMIT TO THE SENATE
28 COMMITTEE ON EDUCATION, ARTS, AND CULTURE AND THE CONGRESSIONAL
29 COMMITTEE ON BASIC EDUCATION AND CULTURE AN ANNUAL REPORT ON
30 THE RELEASE AND UTILIZATION OF THE CAPITAL OUTLAY UNDER THIS ACT;
31 PROVIDED, THAT SUCH SUBMISSION SHALL BE SEPARATE AND DISTINCT
32 FROM THE REPORTS THAT THE SAID DEPARTMENTS SUBMIT TO CONGRESS
33 IN RELATION TO THE DELIBERATIONS ON THE GENERAL APPROPRIATIONS
34 BILL."

35
36 **SECTION 6.** Sections 6 and 7 of the same Act are hereby renumbered to Sections 9 and
37 10 respectively.

38
39 **SECTION 7.** Section 8 of the same Act is hereby repealed and a new Section 11 is hereby
40 inserted to read as follows:

41
42 "SEC. 11 [8]. Penal Clause. ANY VIOLATION OF THE PROVISIONS OF THIS ACT
43 SHALL BE CONSIDERED AS DERELICTION OF DUTY AS SET FORTH IN
44 PERTINENT ADMINISTRATIVE AND CIVIL SERVICE LAWS, AND SHALL BE
45 ADMINISTRATIVELY DEALT WITH IN ACCORDANCE TO APPROPRIATE
46 EXISTING ADMINISTRATIVE PROCEDURES AND PENALTIES."

47
48 **SECTION 8. *Miscellaneous Provisions.*** All references to the "Department of Education,
49 Culture, and Sports (DECS)" in Republic Act No. 7880 are accordingly amended to read

1 as "Department of Education (DepEd)."
2

3 **SECTION 9.** The other sections of the same Act affected by the preceding sections are
4 hereby renumbered accordingly.
5

6 **SECTION 10. *Separability Clause.*** – If any section or part of this Act is held
7 unconstitutional or invalid, the other sections or provisions shall remain in full force
8 and effect.
9

10 **SECTION 11. *Repealing Clause.*** – All laws, decrees, executive orders, rules and
11 regulations, issuances, or any part thereof inconsistent with the provisions of this Act
12 are deemed repealed or amended accordingly.
13

14 **SECTION 12. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
15 publication in at least two (2) national newspapers of general circulation.
16

17 *Approved.*