

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 8451

Introduced by KABATAAN PARTY-LIST Representative Sarah Jane I. Elago

EXPLANATORY NOTE

Articles 11, 12, and 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) -- a multilateral treaty adopted by the United Nations General Assembly on 16 December 1966, signed by the Philippines on 19 December 1996 and ratified on 7 June 1974 -- states the right to an adequate standard of living (right to adequate food, housing, etc.), right to health, and right to free education, respectively, of each citizen of the world.

"Right to an adequate standard of living

Article 11 recognizes the right of everyone to an adequate standard of living. This includes, but is not limited to, the right to adequate food, clothing, housing, and "the continuous improvement of living conditions". It also creates an obligation on parties to work together to eliminate world hunger.

The right to adequate food, also referred to as the right to food, is interpreted as requiring "the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture". This must be accessible to all, implying an obligation to provide special programmes for the vulnerable. The right to adequate food also implies a right to water.

The right to adequate housing, also referred to as the right to housing, is "the right to live somewhere in security, peace and dignity". It requires "adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities -- all at a reasonable cost".

Right to health

Article 12 of the Covenant recognises the right of everyone to "the enjoyment of the highest attainable standard of physical and mental health". "Health" is understood not

just as a right to be healthy, but as a right to control one's own health and body (including reproduction) and be free from interference such as torture or medical experimentation. States must protect this right by ensuring that everyone within their jurisdiction has access to the underlying determinants of health, such as clean water, sanitation, food, nutrition and housing, and through a comprehensive system of healthcare, which is available to everyone without discrimination, and economically accessible to all.

Article 12.2 requires parties to take specific steps to improve the health of their citizens, including reducing infant mortality and improving child health, improving environmental and workplace health, preventing, controlling and treating epidemic diseases, and creating conditions to ensure equal and timely access to medical services for all. These are considered to be "illustrative, non-exhaustive examples", rather than a complete statement of parties' obligations.

Right to health is inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions.

Right to free education

Article 13 of the Covenant recognises the right of everyone to free education (free for the primary level and "the progressive introduction of free education" for the secondary and higher levels). This is to be directed towards "the full development of the human personality and the sense of its dignity," and enable all persons to participate effectively in society. Education is seen both as a human right and as "an indispensable means of realizing other human rights", and so this is one of the longest and most important articles of the Covenant.

Article 13.2 lists a number of specific steps parties are required to pursue to realise the right of education. These include the provision of free, universal and compulsory primary education, "generally available and accessible" secondary education in various forms (including technical and vocational training), and equally accessible higher education."

Article II Sections 13 and 17 of the 1987 Constitution states, "The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being," and "The State shall give priority to education... to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development," respectively.

With that, the State shall always be concerned with the development of the "whole student" or a student's intellectual capacity and achievement, emotional make-up, physical condition, social relationships, vocational aptitudes and skills, moral and religious values, economic resources, and aesthetic appreciations. These are the basic tenets of helping students

reach their full potential and attending to them as human beings—not simply those in need of intellectual training.

Those are the guiding principles behind the crafting of the Comprehensive Free Public Education Bill so much so that the same are used in this bill for free and quality university services. Thrust before Congress is a bill drafted collectively by youth and students in the Philippines to holistically address the worsening state of the Philippines public higher education system. This proposed bill not only seeks to make public education up to the tertiary level free and accessible to all. But also, to uphold the public character of our state-run higher education institutions and address the structural ills of the Philippine education system.

Student Accommodation

Globally, food and housing challenges in tertiary education are apparently rising in numbers.¹ The growing cost of living accompanied by consistent fee increases translates to a situation where students are struggling to access necessities such as food and shelter.

A genuinely inclusive higher education system would allow opportunities for access, participation and success for students irrespective of their socioeconomic status or available monetary resources.²

Housing accommodation for students is crucial in providing an environment for the holistic development of students: It should be a safe, secured, clean, and comfortable place to live in as it serves as a second home that nurtures students in their pursuit of academic excellence and creates an environment contributive to their integral development as future leaders of the nation and active members of the community.

It plays an important role in the total development of students. These student accommodations provide an atmosphere conducive to sound intellectual, physical, emotional, spiritual, social and cultural pursuits. They are living laboratories on campus where students can integrate the interplay between academic and non-academic learning experiences. No other system of any education institution has the potential to impact the passing student more than his/her place of residence. Student housing built-in program of activities and services complement the academic programs of the education institutions and capture the essential elements of a “home away from home” where our student-residents obtain an enriching group living experience.

Students of state universities and colleges come mostly from remote areas, neighboring cities and municipalities and some from the different parts of the country. It is also observed that some students, especially from poor families, drop out from school because they cannot afford to pay for the high cost of board and lodging and food within and near the school or university. To ensure their well-being and continuing education, it is important to provide them with decent living quarters or dormitories and free/ affordable meals and food options. This added benefit will guarantee the quality of education. Travel time will also be lessened, giving the students more time for their academic endeavors.

¹ Dominguez-Whitehead, Y. “Food and housing challenges: (Re)framing exclusion in higher education” *Journal of Education*, no. 68 (2017): 150-169.

² UNESCO. (1994). *The Salamanca Statement and framework for action on special needs education*. Paris: UNESCO.

Student Food Security

Food and housing are proven crucial resources for academic success yet these two remain overlooked generally and assumed automatically accessible for higher education students. Food has been perceived to have essential role in early childhood education; several researches show malnutrition and undernutrition cause stunting, and poor cognitive and educational performance.³

Food challenges are prevalent at higher education institutions across Asia, such as South Africa, with nutrition and hunger issues being the primary issues.⁴ While food concerns within higher education have been under-researched, we know that students are more likely to experience hunger toward the end of a term, when they have depleted their funds.⁵ This is particularly concerning given that students write examinations at the end of the term, and this is a time of year when students perhaps most need to have access to food in order to perform well. We also know that students who experience food acquisition challenges consume poor diets that lack nutritious food. This is due to more affordable foods having high energy density and a low nutrient density; for, example, fruits and vegetables have more nutrients and fewer calories, but tend to be more expensive, than for example, bread.⁶ Given that this is the case, food insecure students could be more obese than their food secure counterparts, as a result of consuming less expensive food that is high in energy density, but low in nutrient density.⁷ Food insecurity refers to experiencing compromised access to sufficient food generally or to healthy.

In the United States of America, they have Community Eligibility Provision (CEP)—a non-pricing meal service option for schools and school districts in low-income areas. CEP allows the nation's highest poverty schools and districts to serve breakfast and lunch at no cost to all enrolled students without collecting household applications. Instead, schools that adopt CEP are reimbursed using a formula based on the percentage of students categorically eligible for free meals based on their participation in other specific means-tested programs, such as the Supplemental Nutrition Assistance Program.

As a society we expect—and demand—that schools provide every student with the resources necessary for learning—books, a desk, a qualified teacher, a safe learning environment. Of course, the most basic and fundamental resource that every student needs in order to learn is nourishment for the brain and body—an adequate and healthy diet that supports learning and keeps the child healthy. Students who are hungry cannot learn. They cannot concentrate. They are more likely to be absent and tardy. They get “hunger headaches,” giving students hard time to concentrate in class.

Universal Free School Meals then come into the picture. In U.S., their Community Eligibility Provision enables schools to offer two no-cost meals—known as universal school meals—to all students each school day. The meals meet federal nutrition standards and help ensure students have the nutrition they need to learn throughout the day.

³ Dominguez-Whitehead, Y. “Food and housing challenges: (Re)framing exclusion in higher education” *Journal of Education*, no. 68 (2017): 150-169.

⁴ South African Government (2016). Minister Blade Nzimande: 2017 University Fees Media Briefing. Retrieved from <http://www.gov.za/speeches/minister-blade-nzimande-2017-university-fees-media-briefing-19-sep-2016-0000>.

⁵ Munro, N., Quayle, M., Simpson, H., & Barnsley, S. (2013). Hunger for knowledge: Food insecurity among students at the University of KwaZulu-Natal. *Perspectives in Education*, 31(4), 168–179.

⁶ Dominguez-Whitehead, Y. “Food and housing challenges: (Re)framing exclusion in higher education” *Journal of Education*, no. 68 (2017): 150-169. | Kassier, S., & Veldman, F. (2013). Food security status and academic performance of students on financial aid: The case of University of KwaZulu-Natal. *Alternation*, 9, 248–264.

⁷ Dominguez-Whitehead, Y. “Food and housing challenges: (Re)framing exclusion in higher education” *Journal of Education*, no. 68 (2017): 150-169. | Wilde, P.E., & Peterman, J.N. (2006). Individual weight change is associated with household food security status. *Journal of Nutrition*, 136(5), 1395–1400.

Here are the accompanying benefits it resulted to: increased participation; healthy students as they are more likely to eat fruits, vegetables, and milk which are nutrient-dense foods that contribute to a healthier Body Mass Index (BMI) and lower chances for obesity; more time to eat and study as the time for students to line up and pay a cashier got eliminated; less stress as financial strain on the family food budget was reduced; and better learners as research shows a well-nourished student is a better learner, test-taker and participant in school.

School Health Services

The school health service aims to promote healthy development and wellbeing, so students and the university community may reach their full potential, and to provide information and support to students (and their families) to help them make informed decisions about their health, wellbeing and development.

Each public higher education institution must then have a health service that offers experienced general practitioner and emergency medical care services to all members of the University community: current students (undergraduate and postgraduate), staff and their families and employees of other organizations working on campus.

It shall have the capability to handle simple, uncomplicated and stable medical conditions, engages in preventive-promotive activities such as physical - medical examinations, immunizations; consultants on such fields as internal medicine, general surgery, neurology, OB-gynecology, psychiatry, allergology-immunology and dermatology.

The proposed bill addresses the constitutional mandate that the State must give priority to and ensure quality holistic education, which is relevant to the needs of the people and society. This state obligation does not only include the provision of free and quality education, but also the advancement of holistic development and sound and favorable environment for learning.

The need for the creation of such environment is highlighted by the current worst state of dormitories and boarding houses, or lack thereof, that students have to live with, and the inadequacy and quality of readily available and affordable meals or food options, and health services in universities.

Through the fiscal years, funding for capital outlay, or for the construction of additional facilities such as dormitories or residence halls of the state universities and colleges, decrease, coupled with the privatization of management and non-academic services such as health and food (under Republic Act 8292 or the Higher Education Modernization Act of 1997, Sec. 4. Powers and duties of Governing Boards, part (w))--leading to the inaccessibility and unaffordability of food products and health services within the universities and colleges--and the appalling continued increase of inflation rates.

This reality is even made worse for those students who belong to the lower income families, majority of them from the provinces, and they are the vast stakeholders of our public higher education institutions. Thus, the need for free university services.

Through this we can facilitate the creation of a safer and better learning environment and achievement of holistic development of our youth.

If passed, this bill stands to benefit not only those enrolled currently in SUCs, but also millions other who will be able to get back or enter college without fearing the heavy cost. At a more fundamental level, the passage of this bill, after the recent landmark legislation Universal Access to Quality Tertiary Education, will also result in the gradual reversal of decades of attacks on the right of every Filipino to education.

Believing that fundamental changes in education should address the basic ills that hound the system, we need to collectively strive for a type of education that is not only free, but also empowering and liberating.

In this light, the passage of this bill is earnestly sought.



Hon. Sarah Jane I. Elago
Representative, Kabataan Party-list

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HOUSE BILL NO. 8451

Introduced by KABATAAN PARTY-LIST Representative Sarah Jane I. Elago

AN ACT
PROMOTING COMPREHENSIVE FREE PUBLIC TERTIARY EDUCATION BY
PROVIDING FOR QUALITY FREE ADEQUATE UNIVERSITY HOUSING, HEALTH
SERVICES, AND STUDENT MEALS; AND QUALITY AND AFFORDABLE FOOD
SERVICES IN STATE UNIVERSITIES AND COLLEGES, AND APPROPRIATING
FUNDS THEREFOR

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

1 **SECTION 1. Title.** — This Act shall be otherwise known or cited as the
2 “University Services Act of 2018”
3

4 **SECTION 2. Declaration of Policy.** — It is hereby declared that quality
5 education is an inalienable right of all Filipinos and it is the policy of the State to protect
6 and promote the rights of all students to quality education at all levels. Therefore, the
7 State shall take appropriate steps to make such education accessible to all. For these
8 intents, the State shall:
9

10 (a) recognize the vital role of the youth in nation-building and shall promote and
11 protect their physical, moral, spiritual, intellectual, and social well-being. It shall
12 inculcate in the youth patriotism and nationalism, and encourage their involvement in
13 public and civic affairs;
14

15 (b) give priority to education, science and technology, arts, culture, and sports to
16 foster patriotism and nationalism, accelerate social progress, and promote total human
17 liberation and development;
18

19 (c) provide all Filipinos with equal opportunity to quality tertiary education in
20 public educational institutions;
21

(d) provide adequate funding and such other mechanisms to increase the participation rate among all socioeconomic classes in tertiary education;

(e) always be concerned with the development of the "whole student" or a student's intellectual capacity and achievement, emotional make-up, physical condition, social relationships, vocational aptitudes and skills, moral and religious values, economic resources, and aesthetic appreciations--the basic tenets of helping students reach their full potential; and

(f) ensure the optimized utilization of government resources in quality holistic education by providing quality affordable food services, and free and adequate university housing and health services, and discontinuing privatization of these services which should really be part of the cost of education that the State shall provide for.

SECTION 3. *Definition of Terms* — For purposes of this Act, the following terms shall mean:

- (a) **academic personnel** refers to those who are formally engaged in actual teaching or in research assignments, either on full-time or part-time basis
- (b) **academic support personnel** refers to those who perform certain prescribed academic functions directly supportive of teaching, such as registrars, librarians, guidance counselors, researchers, and other persons performing similar functions including institution officials responsible for academic matters and affairs
- (c) **non-academic personnel** refers to the rank-and-file employees of the institution engaged in administrative functions and maintenance of a higher education institution
- (d) **school health facilities** refer to places that health services which include but are not limited to clinics and hospitals, shall have the capability to handle simple, uncomplicated and stable medical conditions, engages in preventive-promotive activities such as, but not limited to, physical - medical examinations, immunizations, consultations on fields such as, but not limited to, internal medicine, general surgery, neurology, OB-gynecology, psychiatry, allergology-immunology and dermatology.
- (e) **school health services** refer to services that promote health including, but not limited to, physical, dental, and mental health assessment, examination, and treatment;
- (f) **state universities and colleges (SUCs)** refer to public HEIs established by national government and are governed by their respective independent boards of regents or trustees;
- (g) **university food services** — campus dining centers, food courts, cafes, catering, vending, and the likes that provide comprehensive dining service to students, faculty and staff that should be affordable and meet the nutritional demands of diverse campus community
- (h) **university housing** refers to residence halls, dormitories, buildings and the likes that provide accommodation to students, and academic and academic support personnel during their stay in school;

SECTION 4. *Free School Health Services*. — All enrolled students, and academic and non-academic personnel of SUCs shall be entitled to free health services in school health facilities.

SECTION 5. *Free Student Meals.* — All enrolled students of SUCs shall be entitled to free and healthy breakfast, lunch, and dinner meals in school canteens/ cafeterias or equivalent.

SECTION 6. *Quality and Affordable University Food Services.* — All enrolled students, academic and academic support personnel, and non-academic personnel of SUCs shall be entitled to a quality, affordable, and safe food products and services with the nutrition standards set by previous laws on community nutrition within SUCs.

SECTION 7. *Free and Adequate University Housing.* — Qualified students, academic and academic support personnel in SUCs shall be entitled to free university housing provided that they are financially-disadvantaged and/or staying from home. All SUCs must provide adequate housing, *i.e.* construct for at least 40% of the student, and academic and academic support personnel population.

SECTION 8. *No Collection Policy and Determination of Funding.* — All SUCs are prohibited from collecting health services fees from all students, and academic and academic support personnel, and non-academic personnel; university housing fees from qualified students, and academic and academic support personnel; and student meals fee from all students. In lieu of collecting said fees, the amount required for the implementation of free university housing, health services, and student meals in SUCs shall be determined by the respective governing boards of SUCs.

SECTION 9. *Development Plan.* — All SUCs are hereby mandated to formulate and submit to the CHED and to the Joint Congressional Oversight Committee on Universal Access to Tertiary Education, a detailed development plan which shall include plans to increase student housing capacity and improve school health facilities.

SECTION 10. *Transitory Provisions.* — The CHED shall formulate the appropriate strategies and mechanisms needed to ensure smooth and swift implementation of free and affordable university services. Taking into consideration the influx of students who will enter public tertiary schools and/or continue college studies, CHED – in partnership with other government agencies including the Department of Budget and Management – shall craft strategies that may cover changes in physical; infrastructure, manpower, organizational and structural concerns.

To manage the initial implementation, the CHED, and the public higher education institutions shall coordinate closely with one another to implement strategies that ensure the academic, physical, financial, and human resource capabilities of state-run universities and colleges. For this purpose, a transition period shall be provided for in the implementing rules and regulations of this Act, which shall cover capacity-building, infrastructure development, and the hiring and proper compensation of additional needed personnel

SECTION 11. *Implementing Rules and Regulations.* — Upon enactment of this Act, the CHED shall establish a multi-sectoral committee that will craft the Implementing Rules and Regulations (IRR) needed for the implementation of this Act. This Committee shall be led by the

1 CHED Chairperson with the following members: (1) a representative from the Philippine
2 Association of State Universities and Colleges (PASUC); (2) an academic personnel
3 representative, (3) academic support personnel representative; (4) a non-academic personnel
4 representative; (5) and representatives from national youth and student organizations and
5 formations: *Provided*, That the committee shall finish and promulgate the IRR within ninety (90)
6 days after the effectivity of this Act.
7

8 **SECTION 12. Appropriations.** — The amounts necessary to carry out the provisions of
9 this Act, specifically Sections 4, 5, and 7 shall be included in the annual General Appropriations
10 Act (GAA) and shall be appropriated under SUCs, and CHED, in accordance with the provisions
11 of this Act. The President is hereby authorized to realign or transfer any item of appropriation
12 within the CHED and/or utilize any savings therein to carry out the purposes of this Act.
13

14 **SECTION 13. Separability Clause.** — If any provision or part thereof is held invalid or
15 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
16 valid or subsisting.
17

18 **SECTION 14. Repealing Clause.** — Pertinent provisions of Batas Pambansa Blg. 232 or
19 the "Education Act of 1982," Republic Act No. 8292 or the "Higher Education Modernization
20 Act of 1997," Republic Act No. 10931 or the "Universal Access to Quality Tertiary Education
21 Act," and all other laws, decrees, executive orders, and rules and regulations contrary to or
22 inconsistent with the provisions of this Act are hereby repealed or modified accordingly.
23

24 **SECTION 15. Effectivity Clause.** — This Act shall take effect fifteen (15) days after its
25 publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.
26

27 *Approved,*