

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1723



Introduced by HON. RUTH MARIANO-HERNANDEZ

AN ACT
EXPANDING THE APPLICATION OF GOVERNMENT ASSISTANCE TO STUDENTS,
TEACHERS, AND SCHOOLS IN THE PRIVATE BASIC EDUCATION, REPEALING FOR
THE PURPOSE REPUBLIC ACT NO. 6728, AS AMENDED BY REPUBLIC ACT NO. 8545,
OTHERWISE KNOWN AS THE "EXPANDED GOVERNMENT ASSISTANCE TO
STUDENTS AND TEACHERS IN PRIVATE EDUCATION ACT", AND APPROPRIATING
FUNDS THEREFOR

EXPLANATORY NOTE

Republic Act 6728 and its expanded coverage through Republic Act 8545 were enacted to provide government assistance to students and teachers in private education in recognition of the government's constitutional mandate to maintain a system of grants, subsidies, and incentives to students in both public and private learning institutions.

As the State endeavors to fulfill its constitutional mandate to protect and promote the right of all citizens to quality education at all levels, and to ensure that such is accessible to all, it is high time to amend the more than two-decades old Republic Act 8545 to cover students of private schools at the elementary level. At present, Republic Act 8545 or the E-GASTPE Law grants tuition fee supplements only to students in private junior and senior high schools. Likewise, only teachers in private junior and senior high schools are benefited from the Teacher's Salary Subsidy Fund created in the said law. Meanwhile, underprivileged students and teachers in private elementary schools are left insecure without the privileges enjoyed by their high school counterparts.

At the height of the ongoing COVID-19 pandemic has gravely affected the most vulnerable members of our population and the pandemic's direct blow is manifestly felt by the country's education sector. At the close of enrollment last July 15, 2020, The Department of Education (DepEd) recorded a significant plunge of about seven million students in basic education enrollment. Of the over 27.7 million private and public school students, only 20.7 million actually enrolled for the upcoming academic calendar. Of these enrollees, only a little over a million registered in private schools. The 2021 private school enrollment is found to be only 25.3 percent of the previous year's figure.

Furthermore, DepEd data also revealed that 328,862 private school students transferred to public schools. These figures show that without the necessary government support, many private school students are forced to either transfer to public schools or to drop out of school in coping with the ongoing pandemic.

The plunge in enrollment figures and the exodus to public schools are challenges faced by private schools even long before the pandemic. But these challenges have been exacerbated by the ongoing COVID-19 public health crisis. Private learning institutions play a significant role in nation building by partnering with public schools in shaping the country's future through the students. Furthermore, the operation of private schools directly contributes to decongesting public schools and stimulating the economy.

In multiple states, policies that either mandate or incentivize class-size reduction have been promulgated, in pursuit of creating environments more conducive to learning, and reducing the burden on their teachers. By helping students to continue in their private school education and granting public school students the option to transfer to private schools, the government can address the problems brought about by severely enlarged class sizes in the public schools. Several studies have shown that maintaining smaller class sizes is an effective strategy in producing better academic outcomes for students and closing socio-economically based achievement gaps.

In addition, the mounting financial burden due to the prolonged suspension of classes and the loss of revenues due to the recent mass exodus of students to public schools, threaten the very existence of many private schools. By expanding the grant of subsidies to cover private elementary school students, the government can prevent the imminent shutdown of private school enterprises which are active participants in the country's economic productivity and providers of gainful employment to teachers, non-teaching personnel and other service providers.

It is the State's responsibility to create a safety net for students who have fallen through the cracks in the country's education system. This bill seeks to address a gap in the system that has been exposed by the COVID-19 pandemic. By replacing RA 8545 with a new law to cover students in private elementary schools in the grant of subsidies, and to subsidize private elementary school teachers under the Teachers' Salary Subsidy Fund, the State takes a giant leap forward in ensuring the quality and accessibility of education in the Philippines at all levels.

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

Approved,



HON. RUTH MARIANO-HERNANDEZ
2nd District, Laguna

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THE PURPOSE REPUBLIC ACT NO. 6728, AS AMENDED BY REPUBLIC ACT NO. 8545,
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STUDENTS AND TEACHERS IN PRIVATE EDUCATION ACT", AND APPROPRIATING
FUNDS THEREFOR**

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

SECTION 1. Short Title. – This Act shall be known as the "Expanded Government Assistance to Students, Teachers, and Schools in Private Basic Education Act".

SEC. 2. Declaration of Policy. – It is the declared policy of the State to protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all. Likewise, the State recognizes the complementary roles of public and private educational institutions in the educational system and the invaluable contribution that the private schools have made and will make to education.

The State shall provide the mechanisms to augment the resources and enhance the quality of private basic education, specifically promoting the complementary roles of public and private schools and thus recognize the government's priority of providing basic elementary and secondary education to all Filipino students.

SEC. 3. Coverage. – This Act shall cover government assistance to students, teachers and schools in formal private basic education.

Kindergarten education is the first stage of basic education consisting of one (1) year of preparatory education for children at least five (5) years old as prerequisite for Grade 1.

Elementary education is the second stage of basic education consisting of six (6) years, the completion of which is attested by a certificate issued by or with permission of the Department of Education (DepEd).

Secondary education is the third stage of basic education consisting of four (4) years of junior high school education and two (2) years of senior high school education, the completion of which is attested by a high school diploma issued by or with permission of the DepEd.

The programs of assistance under this Act shall be extended only to students who are citizens of the Philippines.

SEC. 4. Criteria for Assistance. – The programs for assistance shall be based on a set of criteria which include among others, tuition and other fees charged by the schools, the socio-economic needs of each region by giving priority to the poorest regions, provinces or municipalities as determined by the Philippine Statistics Authority (PSA), overall performance of the schools, the academic qualifications and the financial needs of the schools, and the geographic spread and size of student enrollment.

Priority shall be given to students belonging to low and middle-income families, based on the data to be provided by the PSA.

SEC. 5. Forms of Assistance. – Assistance to private basic education shall consist of assistance to students, assistance to teachers, and assistance to schools.

The forms of assistance granted to students in private basic education include:

- (1) School fee subsidy for students in private basic education schools;
- (2) Textbook Assistance Fund; and
- (3) Expansion of the existing Educational Service Contracting (ESC) Scheme.

The forms of assistance granted to teachers in the private basic education include:

- (1) In-service training fund for teachers in private basic education schools; and
- (2) Scholarships for qualified private basic education teachers enrolled in quality graduate programs; and
- (3) Participation in government-funded in-service training for basic education teachers.

The DepEd shall establish a program of assistance for the development of qualified private basic education schools to cover the following areas of school operation:

- (1) Academic leadership and good governance;
- (2) School finance and administration;
- (3) Research and curriculum design;
- (4) Facilities and school improvement; and
- (5) Institutional development.

Consistent with Sec. 10 of Republic Act No. 10533, or the “Enhanced Basic Education Act of 2013”, the DepEd, in consultation with the Department of Budget and Management

(DBM), may develop other forms of financial arrangements and engage the services of private basic education schools based on the principles of public-private partnership.

SEC. 6. School Fee Subsidy for Students in Private Basic Education. – Financial assistance in the form of tuition for students in private basic education shall be provided by the government in the following manner:

(a) Under the Voucher System, students enrolled in schools charging school fees shall be provided by the government with a voucher in such amount as may be determined by the DepEd: Provided, That the government shall reimburse the vouchers from the schools concerned within one hundred twenty (120) days from the start of the first day of classes.

(b) Under the ESC Scheme, assistance shall be guaranteed to all private basic education schools participating in the program for a number of slots as of the effectivity of this Act as the total number of students who availed of school fee subsidy: Provided, That the DepEd may in succeeding years determine additional slots and additional participating private basic education schools, as may be deemed necessary.

Assistance under this section may be increased on the condition that seventy percent (70%) of the amount subsidized allotted for tuition or of the tuition increases shall go to the payment of salaries, wages, allowances and other benefits of teaching and non-teaching personnel except administrators who are principal stockholders of the school, and may be used to cover salary increase as provided for in the collective bargaining agreements existing or in force at the time when this Act is approved and made effective.

At least twenty percent (20%) of the assistance shall go to the improvement or modernization of buildings, equipment, libraries, laboratories gymnasias and similar facilities and to the payment of other costs of operation.

For this purpose, schools shall maintain a separate record of accounts for all assistance received from the government, any tuition increase, and the detailed disposition and use thereof, which record shall be made available for periodic inspection as may be determined by the DepEd.

SEC. 7. Textbook Assistance Fund. – There shall be established in the DepEd a Textbook Assistance Fund, so that assistance on a per student basis shall be given to students enrolled in private basic education schools exclusively for the purchase of basic education textbooks: Provided, That the DepEd shall determine the textbook assistance per student in private basic education: Provided, further, That such textbook assistance shall not exceed what students in public basic education are provided on a per student basis: Provided, finally, That the textbook assistance shall be granted only to beneficiaries of school fee subsidy, as provided in this Act.

SEC. 8. Expansion of the Existing ESC Scheme. – (a) The DepEd shall continue to enter into contracts with private schools whereby the government shall subsidize the tuition and other fees of basic education students who shall enroll in private basic education schools under this program. Priority shall be given to private schools in communities

where the public schools can no longer accommodate basic education students due to the increase in student population, as determined by the DepEd.

(b) The DepEd shall also enter into contracts with private basic education schools in communities where there are no public schools, in which case the DepEd shall subsidize the tuition and other school fees of students who shall enroll in said private schools.

(c) The amount of assistance to be given by the government under this section shall not exceed that determined as the per student cost in public basic education.

(d) The DepEd shall fully pay the subsidized amount to participating schools not later than one hundred eighty (180) days from the close of the registration period.

(e) The amount of assistance and the number of slots shall be determined by the DepEd and allocated among the seventeen (17) regions in proportion to the total population as well as the basic education school age population for the first school year.

SEC. 9. In-Service Training Fund or Inset Fund. – For the purpose of improving the quality of teaching in private basic education, there is hereby established in the DepEd an Inset Fund to provide for the upgrading of knowledge and teaching competencies in critical subject areas and for the modernization of teaching techniques and strategies, including training on the use of computers and of other multi-media educational technologies to assist instruction: Provided, That the Inset Fund shall be available only to private basic education teachers qualified to teach under Republic Act No. 7836, or the “Philippine Teachers Professionalization Act of 1994”, as amended by Republic Act No. 10533: Provided, further, That the amount of Inset Fund available to private basic education shall not exceed that available to public basic education as per capita basis.

SEC. 10. Teachers' Salary Subsidy Fund. – A Teachers' Salary Subsidy Fund is hereby established in the DepEd to grant government subsidy to teachers in private basic education schools participating in the programs of assistance under in this Act: Provided, That the private basic education teachers qualified to receive subsidy under this Act shall be duly qualified to teach under Republic Act No. 7836, as amended by Republic Act No. 10533: Provided further, That the government shall provide them with salary subsidy which shall be disbursed within sixty (60) days after the close of the school year upon submission of proof of qualification and actual teaching service directly to the concerned participating private basic education schools: Provided, further, That the present allocation out of increases from tuition and other income shall be maintained: Provided, finally, That in case of insufficiency of funds, priority shall be given to teachers with children below twenty-one (21) years of age or above twenty-one (21) years of age but physically or mentally incapacitated.

SEC. 11. Program Administration. – The DepEd shall be responsible for policy guidance and direction, monitoring and evaluation of new and existing programs and shall be responsible for the day-to-day administration and program implementation on the programs of assistance to private basic education. The Private Education Assistance Committee (PEAC) shall serve as the permanent secretariat for the implementation of the government assistance programs under this Act.

SEC. 12. Appropriations. – The amount necessary to cover the initial implementation of this Act shall be charged against the appropriations of the DepEd under the current General Appropriations Act. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

The funds appropriated for this purpose shall be constituted as a trust fund to be administered by the DepEd, which shall be separate and distinct from the regular appropriations of the DepEd, and shall be released directly to the participating private basic education schools.

SEC 13. Penalties. – In case of violation of this Act by a private school, the DepEd may bar, after due process, such school from participating in or benefiting from the programs of this Act, and from other programs of the DepEd, without prejudice to administrative and criminal charges that may be filed against the school or its responsible officers under existing laws.

SEC. 14. Transitory Provision. – Subject to the availability of funds, the implementation of the provisions stipulated in this Act for the kindergarten and elementary levels shall gradually commence in school year 2022-2023, as may be determined by the DepEd.

All references to tertiary education programs under the E-GASTPE Law shall be transferred to and managed by the Unified Student Financial Assistance System for Tertiary Education (UniFAST) Board, created by virtue of Sec. 14 of Republic Act No. 10687, or the “UniFAST Act”.

SEC. 15. Implementing Rules and Regulations. – Within ninety (90) days from the approval of this Act, the DepEd shall, in consultation with the DBM, PEAC and other concerned stakeholders from the associations of private schools, promulgate the rules and regulations implementing the provisions of this Act.

SEC. 16. Separability Clause. – If any provision of this Act is held invalid or unconstitutional, the other provisions not so declared shall remain in full force and effect.

SEC. 17. Repealing Clause. – Republic Act No. 6728, as amended by Republic Act No. 8545, is hereby repealed. All other laws, decrees, orders and rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 18. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,