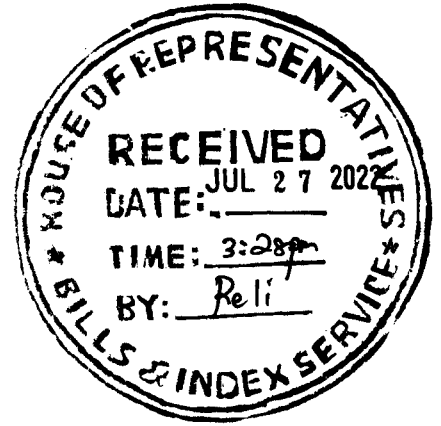


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

H. B. No. 2569

Introduced by Representative Ralph G. Recto

**AN ACT
REENGINEERING GOVERNMENT AGENCIES INVOLVED IN THE
DEVELOPMENT OF THE EDUCATION SECTOR, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The Philippine educational system has undergone many stages of development and reorganization from the Superior Commission of Primary Instruction in 1863 to the present Department of Education (DepEd).

The Education Act of 1982 created the Ministry of Education, Culture and Sports which later became the Department of Education, Culture and Sports (DECS) in 1987 by virtue of Executive Order No. (E.O.) No. 117. From 1987 to 1994, the DECS covered elementary, secondary and tertiary education as well as non-formal and technical and vocational education. The structure of DECS as embodied in E.O. No. 117 has practically remained unchanged until 1994 when the Commission on Higher Education (CHED), and in 1995 when the Technical Education and Skills Development Authority (TESDA) were established to supervise tertiary degree programs and non-degree technical-vocational programs, respectively. The Congressional Commission on Education (EDCOM) report provided the catalyst for Congress to create CHED and TESDA. The trifocal education system refocused DECS' mandate to basic education which covers elementary, secondary and nonformal education, including culture and sports. TESDA now administers the post-secondary,

middle-level manpower training and development while CHED is responsible for higher education.

In 2001, the enactment of Republic Act No. 9155 instituted a framework of governance for basic education and transformed the then DECS into the DepEd. The cultural agencies (*Komisyon ng Wikang Pilipino*, National Historical Institute, Record Management and Archives Office and the National Library) became administratively attached to the National Commission for Culture and the Arts (NCCA) and no longer with the DepEd. The program for school arts and culture however, remained part of the school curriculum. Moreover, all functions, programs and activities of the DepEd related to sports competition were transferred to the Philippine Sports Commission (PSC), while the program for school sports and physical fitness remained part of the basic education curriculum.

Despite the reforms implemented through the years, the Philippine education system is considered to be in a constant state of disarray. On top of the recurring problems such as the deterioration of learning outcomes, shortage of basic resources and lack of teacher training, the system lacks continuity when it comes to policy implementation and coordination among leading agencies handling education is found to be ineffective.

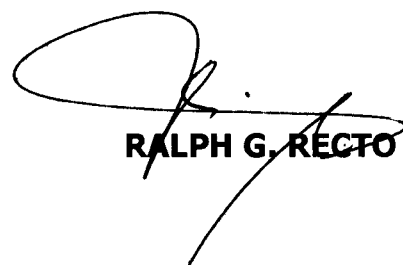
In fact, educational gaps seem to be more apparent with the current structure of our educational institutions. In a press release issued by the DepEd in 2020, no less than Secretary Leonor Magtolis Briones called for improved collaborative efforts by having “more active dialogues with CHED and TESDA to identify issues and streamline programs related to improving the state of Philippine education”. Sec. Briones stated that there is a need to strengthen the link between the pre-service and the in-service of the teachers. She cited the educational system of Singapore, where the Ministry of Education was the sole institution implementing teacher training curriculum in pre-service and in-service.

Former DepEd Secretary Mona Valisno also made a call to remerge the three (3) education agencies for better coordination in the face of the implementation of the senior high school program which highlighted the need for the education agencies to synchronize their activities. She stressed the importance of DepEd working closely with CHED as some general education subjects in college had been transferred to senior high school. She also noted the importance of having close coordination with TESDA to ensure that the programs offered in senior high school are aligned with those offered by TESDA.

Moreover, a 2019 discussion paper published by the Philippine Institute for Development Studies entitled, "Status of Senior High School Implementation: A Process Evaluation", pointed out the confusion regarding the implementation of senior high school tracks brought about by the lack of closer coordination among DepEd, CHED and TESDA. The PIDS paper recommended that these institutions should coordinate in order to iron out policies related to senior high school and to address stakeholders' confusion related to such policies.

In order to accomplish such responsibility, and guarantee an efficient and effective delivery of education services, it is imperative that the abovementioned institutions implement programs and policies demonstrative of continuity and synchronization. We recognize the interdependence of the roles of the three (3) education agencies, and that they should be systematized and harmonized. Towards this end, this bill seeks to strengthen our education system by remerging, reorganizing and rationalizing the DepEd, CHED and TESDA. It is our objective that necessary and proper reforms in the organization and functional structures of the education sector be effected in order to promote efficiency and effectiveness in the provision of quality education to the Filipino students.

In view of the foregoing, the approval of this bill is earnestly sought.



RALPH G. RECTO

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

H. B. No. 2569

Introduced by Representative Ralph G. Recto

AN ACT
REENGINEERING GOVERNMENT AGENCIES INVOLVED IN THE
DEVELOPMENT OF THE EDUCATION SECTOR, 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 “Reengineering the
2 Education Sector Act”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State
4 that the education system shall make a maximum contribution to the attainment of
5 national development goals; that the State shall promote and maintain equality of
6 access to education and enjoyment of the benefits thereof by all citizens; and that
7 the State shall use education as an instrument for the development of the cultural
8 communities of the nation and the deprived communities to enrich their participation
9 in the community and national life and to unify all Filipinos into a free and just
10 nation.

11 It shall be the policy of the State to enhance its institutional capacity to
12 deliver public goods and services in a more efficient, effective and accountable
13 manner. In view of this, State shall effect the necessary and proper changes in the
14 organizational structure of agencies and instrumentalities in order for the
15 Department of Education to be more effective and responsive to the educational
16 needs of the Filipino youth.

17 SEC. 3. *Reorganization of the Department of Education (DepEd).* – The DepEd
18 created under Republic Act (R.A.) No. 9155, and the agencies enumerated under

1 Section 16 of this Act are consolidated and merged, and hereby constituted as "the
2 Department". The Department shall be organized structurally and functionally, in
3 accordance with the provisions of this Act.

4 SEC. 4. *Mandate.* – The Department shall continue to perform all the powers,
5 functions and mandate of the DepEd under R.A. No. 9155 and other existing laws,
6 rules and regulations. It shall also absorb all the powers, functions and mandates of
7 the agencies enumerated in Section 16 hereof. It shall be primarily responsible for
8 the formulation, planning, implementation and coordination of the policies, plans,
9 programs and projects in the area of education at all levels, supervise all education
10 institutions, both public and private, and provide for the establishment and
11 maintenance of a complete, adequate and integrated system of education relevant
12 to the goals of national development.

13 SEC. 5. *Powers and Functions of the Department.* – To carry out its mandate
14 and objectives, the Department shall have the powers and functions of formulating,
15 planning, implementing and coordinating the policies, plans, programs and projects
16 for the following areas of responsibility:

- 17 (a) Elementary and secondary education;
- 18 (b) Vocational/technical education; and
- 19 (c) Higher education.

20 SEC. 6. *Composition.* – The Department shall be headed by a Secretary. The
21 Department proper shall be composed of the Office of the Secretary, the Offices of
22 the Undersecretaries and Assistant Secretaries, the Bureaus, and Regional Offices of
23 the Department.

24 SEC. 7. *The Secretary.* – The Secretary shall be appointed by the President,
25 subject to confirmation by the Commission on Appointments. The Secretary shall
26 have the following functions:

27 (a) Provide executive direction and supervision over the entire operations of
28 the Department;

29 (b) Establish policies and standards for the effective, efficient and economical
30 operation of the Department, in accordance with the programs of government;

31 (c) Review and approve requests for financial and manpower resources of all
32 operating offices of the Department:

1 (d) Designate and appoint officers and employees of the Department,
2 excluding the undersecretaries, assistant secretaries, and regional directors and
3 assistant regional directors, in accordance with the civil service laws, rules and
4 regulations;

5 (e) Exercise disciplinary powers over officers and employees of the
6 Department in accordance with law, including their investigation and the designation
7 of a committee or officer to conduct such investigation:

8 (f) Coordinate with local government units (LGUs), other agencies and public
9 and private interest groups, including nongovernment organizations (NGOs) and
10 people's organizations (POs) on Department policies and initiatives;

11 (g) Prepare and submit to the President through the Department of Budget
12 and Management (DBM) an estimate of the necessary expenditures of the
13 Department during the next fiscal year, on the basis of the reports and estimates
14 submitted by bureaus and offices under him/her;

15 (h) Advise the President on the promulgation of executive and administrative
16 orders and formulation of regulatory and legislative proposals on matters pertaining
17 to the educational system;

18 (i) Formulate such rules and regulations and exercise such other powers as
19 may be required to implement the objectives of this Act; and

20 (j) Perform such other tasks as may be provided by law or assigned by the
21 President.

22 SEC. 8. *The Undersecretaries.* – The Secretary shall be assisted by four (4)
23 undersecretaries, who shall be appointed by the President upon the recommendation
24 of the Secretary, each of whom shall be responsible for each of the following areas
25 of responsibility:

26 (a) Elementary education and Secondary education;

27 (b) Vocational/technical education;

28 (c) Higher education; and

29 (d) Administrative, finance, legal and legislative affairs, and other attached
30 agencies and offices.

1 SEC. 9. *Assistant Secretaries.* – The Secretary shall be assisted by four (4)
2 assistant secretaries who shall be appointed by the President upon the
3 recommendation of the Secretary.

4 SEC. 10. *Qualifications.* – No person shall be appointed Secretary,
5 Undersecretary, or Assistant Secretary of the Department unless he or she is a
6 citizen and resident of the Philippines, of good moral character, of proven integrity
7 and with competence and expertise in the plans, programs, projects and activities of
8 the government relative to education.

9 SEC. 11. *Bureau of Elementary Education.* – The Bureau of Elementary
10 Education shall have the following functions:

11 (a) Conduct studies and formulate, develop and evaluate plans and programs
12 and educational standards for elementary education;

13 (b) Undertake studies necessary for the preparation of prototype curricular
14 designs and instructional materials for elementary education;

15 (c) Formulate, develop and evaluate programs to upgrade the quality of the
16 teaching and non-teaching staff for elementary education;

17 (d) Formulate guidelines to improve the physical plants and equipment of
18 elementary schools and general management of these schools;

19 (e) Compile, analyze and evaluate data on elementary education; and

20 (f) Perform other functions as may be provided by laws, rules and regulations.

21 SEC. 12. *Bureau of Secondary Education.* – The Bureau of Secondary
22 Education shall have the following functions:

23 (a) Conduct studies and formulate, develop and evaluate plans and programs
24 and educational standards for secondary education;

25 (b) Undertake studies necessary for the preparation of prototype curricular
26 designs and instructional materials for secondary education;

27 (c) Formulate, develop and evaluate programs to upgrade the quality of the
28 teaching and non-teaching staff for secondary education;

29 (d) Formulate guidelines to improve the physical plants and equipment of
30 secondary schools and general management of these schools;

31 (e) Compile, analyze and evaluate data on secondary education; and

32 (f) Perform other functions as may be provided by laws, rules and regulations.

1 SEC. 13. *Bureau of Technical and Vocational Education.* – The Bureau of
2 Technical and Vocational Education shall have the following functions:

3 (a) Conduct studies and formulate, develop and evaluate plans and programs
4 and educational standards for technical and vocational education;

5 (b) Undertake studies necessary for the preparation of prototype curricular
6 designs and instructional materials for technical and vocational education;

7 (c) Formulate, develop and evaluate programs to upgrade the quality of the
8 teaching and non-teaching staff for technical and vocational education;

9 (d) Formulate guidelines to improve the physical plant and equipment of
10 post-secondary technical and vocational schools;

11 (e) Collaborate with other agencies in the formulation of manpower plans;

12 (f) Compile, analyze and evaluate data on higher education; and

13 (g) Perform other functions as may be provided by laws, rules and
14 regulations.

15 SEC. 14. *Bureau of Higher Education.* – The Bureau of Higher Education shall
16 have the following functions:

17 (a) Conduct studies and formulate, develop and evaluate plans and programs
18 and educational standards for higher education;

19 (b) Undertake studies necessary for the preparation of prototype curricular
20 designs and instructional materials for higher education;

21 (c) Formulate, develop and evaluate programs to upgrade the quality of the
22 teaching and non-teaching staff for higher education;

23 (d) Formulate guidelines to improve the physical plant and equipment of
24 higher education institutions;

25 (e) Provide technical assistance to encourage institutional development
26 programs and projects;

27 (f) Compile, analyze and evaluate data on higher education; and

28 (g) Perform other functions as may be provided by laws, rules and
29 regulations.

30 SEC. 15. *Regional Offices.* – The Department is hereby authorized to operate
31 and maintain a Regional Office in each of the administrative regions of the country.
32 Each Regional Office shall be headed by a Regional Director who shall be assisted by

1 an Assistant Regional Director. The Regional Director shall be responsible for the
2 School Divisions and their Superintendents within the administrative region under
3 his/her jurisdiction.

4 A Regional Office shall have, within its administrative region, the following
5 functions:

6 (a) Implement laws, rules, regulations, policies, plans, program and projects
7 of the Department;

8 (b) Provide efficient and effective service to the people;

9 (c) Coordinate with the Regional Offices of other departments, offices and
10 agencies in the region;

11 (d) Coordinate with local government units; and

12 (e) Perform such other functions as may be provided by laws, rules and
13 regulations.

14 SEC. 16. *Transfer of Agencies and Personnel.* –

15 (a) The following agencies are hereby abolished, and their powers and
16 functions, applicable funds and appropriations, records, equipment, property, and
17 personnel transferred to the Department:

18 (1) Commission on Higher Education (CHED); and

19 (2) Technical Education and Skills Development Authority (TESDA);

20 and

21 (b) The laws and rules on government reorganization as provided for in
22 Republic Act No. 6656, otherwise known as the Reorganization Law, shall govern the
23 reorganization process of the Department.

24 SEC. 17. *Transitory Provisions.* – The transfer of functions, assets, funds,
25 equipment, properties, transactions, and personnel of the affected agencies, and the
26 formulation of the internal organic structure, staffing pattern, operating system, and
27 revised budget of the Department, shall be completed within two (2) years from the
28 effectivity of this Act: *Provided*, That until new appointments and a new staffing
29 pattern shall have been issued, the existing personnel of all subsumed entities shall
30 continue to assume their posts on holdover capacities until new appointments or a
31 new staffing pattern shall have been issued: *Provided*, further, That after the
32 organization and rationalization process, the Department, in coordination with the

1 DBM, shall determine and create new positions, the funding requirements of which
2 shall not exceed the equivalent cost of the positions subsumed.

3 A Transition Committee is hereby created which shall be composed of the
4 Secretary of the Department, the Secretary of TESDA and the Chairperson of CHED.

5 The Transition Committee shall facilitate the complete and full operation of
6 the Department which shall not be later than two (2) years after the effectivity of
7 this Act. It shall likewise promulgate the implementing rules and regulations
8 necessary to effectively implement the smooth and orderly transfer to the
9 Department of the subsumed agencies.

10 The Transition Committee shall be tasked with the following:

11 (a) Formulate the necessary implementing rules and regulations of the
12 Department within sixty (60) days after the effectivity of this Act;

13 (b) Publish the implementing rules and regulations of the Department within
14 seventy-five (75) days after the effectivity of this Act;

15 (c) Create a staffing pattern of the Department, in consultation with the DBM,
16 within one hundred twenty (120) days after the effectivity of this Act;

17 (d) Submit to the DBM the Department's budget for fiscal year 2023; and

18 (e) Implement the training of the personnel of the Department.

19 The Department shall not be constituted without an appropriation in the 2023
20 General Appropriations Act; an effective implementing rules and regulations; and a
21 staffing pattern.

22 SEC. 18. *Structure and Staffing Pattern.* – Subject to the approval of the DBM,
23 the Department shall determine its organizational structure and create new divisions
24 or units as it may deem necessary, and shall appoint officers and employees of the
25 Department in accordance with the civil service laws, rules, and regulations.

26 SEC. 19. *Absorption, Separation, and Retirement from Service.* – The existing
27 employees of the transferred and subsumed agencies under this Act shall enjoy
28 security of tenure and shall be absorbed by the Department, in accordance with the
29 staffing pattern and the selection process as prescribed under Republic Act No. 6656
30 or the Government Reorganization Law.

31 Employees who are affected by the creation of the Department and are
32 separated from service within six (6) months from the effectivity of this Act as a

1 result of the organization and reorganization under this Act shall receive separation
2 benefits under the Government Reorganization Law, and other applicable laws, rules
3 and regulations: *Provided*, That those who are qualified to retire and receive
4 retirement benefits under existing retirement laws shall be allowed to retire.
5 Detailed, transferred, or seconded career personnel to the Department from
6 transferred or subsumed entities or any government entity shall neither lose
7 seniority in rank or status, nor suffer any diminution of their salaries, allowances, or
8 other privileges and entitlements.

9 The foregoing separated employees shall also receive additional separation
10 incentives, as follows:

11 (a) Fifty percent (50%) of the actual monthly basic salary for every year of
12 service, for those who have rendered less than eleven (11) years of service;

13 (b) Seventy-five percent (75%) of the actual monthly basic salary for every
14 year of service computed starting from the first (1st) year, for those who have
15 rendered eleven (11) to less than twenty-one (21) years of service;

16 (c) The actual monthly basic salary for every year of service, computed
17 starting from the first (1st) year, for those who have rendered twenty-one (21) to
18 less than thirty-one (31) years of service; and

19 (d) One hundred twenty-five percent (125%) of the actual monthly basic
20 salary for every year of service, computed starting from the first (1st) year, for those
21 who have rendered thirty-one (31) years of service and above.

22 *Provided*, That personnel who will be separated from the service as a result of
23 the rationalization of the existing offices and will avail themselves of the incentives
24 under this Act shall not be reemployed in any agency of the Executive Branch for a
25 period of five (5) years, except as a teaching or medical staff in educational
26 institutions and hospitals, respectively: *Provided*, further, That retired or separated
27 personnel who are reemployed within the prohibited period shall return the
28 separation incentives received on a pro-rated basis: *Provided*, finally, That retired or
29 separated personnel who will undertake consultancy services for the government
30 shall be governed by Republic Act No. 6713 or the Code of Conduct and Ethical
31 Standards for Public Officials and Employees.

1 For purposes of the additional separation incentives, the actual monthly basic
2 salary shall refer to the salary of the affected personnel as of the date of approval of
3 the Department's organizational structure and staffing pattern by the DBM.

4 SEC. 20. *Appropriations.* – The amount necessary for the effective
5 implementation of the provisions of this Act shall be taken from funds available to
6 the agencies enumerated in Section 16 hereof. Additional requirements shall be
7 charged to the applicable appropriations under the current General Appropriations
8 Act. Thereafter, such sum as may be needed for the continued implementation of
9 this Act shall be included in the annual General Appropriations Act.

10 SEC. 21. *Mandatory Review by the Reorganization Commission.* – Five (5)
11 years after the effectivity of this Act, or as the need arises, the President shall
12 constitute a Reorganization Commission which shall conduct a systematic evaluation
13 of the accomplishments and impact of this Act, as well as the performance and
14 organizational structure of its implementing agencies, for purposes of determining
15 remedial legislation. In the conduct of this systematic evaluation, the Commission
16 shall spearhead and facilitate the holding of in-depth consultations with
17 organizations and stakeholders, national government agencies and civil society to
18 ensure an evidence-based and data-backed analysis with the appropriate gender and
19 cultural lens. This evaluation report shall be released and made available to the
20 stakeholders and the public.

21 The Commission shall include the Secretaries of the Department, the National
22 Economic and Development Authority, and the DBM, as members.

23 SEC. 22. *Implementing Rules and Regulations.* – Within ninety (90) days from
24 the effectivity of this Act, the Department, in consultation with government agencies
25 concerned and other education stakeholders, shall formulate the rules and
26 regulations to effectively implement the provisions of this Act.

27 SEC. 23. *Separability Clause.* – If any part, section or provision of this Act is
28 declared invalid or unconstitutional, the other parts, sections or provisions hereof,
29 which are not affected thereby, shall remain in full force and effect.

30 SEC. 24. *Repealing Clause.* – All laws, decrees, ordinances, rules, regulations,
31 other issuances or parts thereof which are inconsistent with this Act are hereby
32 repealed, amended or modified accordingly.

1 SEC. 25. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
2 following its complete publication in two (2) newspapers of general circulation or in
3 the *Official Gazette*.

 Approved,