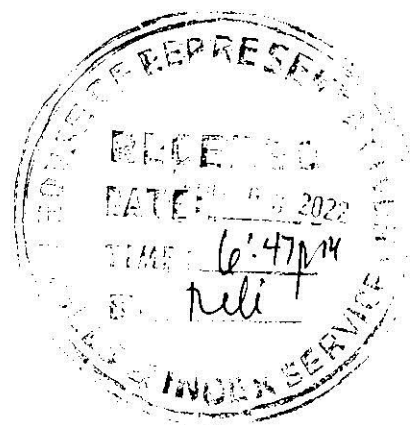


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

H. B. No. 3174

Introduced by Representative Ralph G. Recto

AN ACT

ADDRESSING THE CLASSROOM SHORTAGE BY RATIONALIZING THE ALLOCATION OF THE DEPARTMENT OF EDUCATION (DEPED) BUDGET FOR CAPITAL OUTLAY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7880, OTHERWISE KNOWN AS THE "FAIR AND EQUITABLE ACCESS TO EDUCATION ACT"

EXPLANATORY NOTE

Education plays a crucial role in the country's economic growth and prosperity. Providing quality education is a step forward in preparing our young to compete in a global economy that is driven by knowledge and new technologies.

This bill seeks to amend Republic Act No. 7880, also known as the "Fair and Equitable Access to Education Act," for the purpose of eliminating the recurring problem of classroom shortage in the country, as well as rationalizing the construction, rehabilitation, replacement, completion, and repair of needed school buildings and classrooms.

The enactment of R.A. No. 7880 was aimed at the realization of the mandate under Article XIV, Section 2(1) of the Constitution that the State shall "establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society." The Philippine Constitution has likewise emphasized that budget priority shall be given to education.

However, the annual appropriation for school building program has not been adequate to bridge the gaps in classroom requirements. In consideration of the possible implementation of limited face-to-face classes for School Year 2021-2022, the Department

of Education (DepEd) has analyzed the challenges it may encounter, particularly in terms of classroom shortage¹:

Scenario	Classroom Shortage
Single Shift (1 Classroom to 20 Students)	506,172
Double Shift (1 Classroom to 20 Students)	128,529
Single Shift (1 Classroom to 40 Students, Maximum of 45)	126,362
Double Shift (1 Classroom to 40 Students, Maximum of 45)	41,513

This classroom shortage will certainly hamper the attainment of the education sector goals if the problem is left unresolved.

The present state of our educational system demands urgent measures to address the problems and issues in the provision of adequate access to better education to the Filipino youth.

As provided under R.A. No. 7880, 50% of the total capital outlay for the Department of Education (DepEd) is allocated *pro rata* to legislative districts according to student population, while only 40% is allocated to those with classroom shortages. The thrust of this bill is to shift priority, to areas with scarcity of classrooms by increasing the resource allocation for classroom shortages from 40% to 70% of the total capital outlay, while reducing the allocation for capital outlay according to student population from 50% to 20%. This is coupled with the proposed annual increase in the budget by 20% to eradicate classroom shortage.

The present formula no longer responds to the existing school building/classroom statistics. Because of the priority given to the pro rata sharing based on student enrolment without consideration for existing classrooms, a number of legislative districts are allocated more than their classroom requirement while other districts with more critical classroom

¹ https://www.teacherph.com/depd-projected-classroom-shortages-face-to-face-classes/#Data_on_Classroom_Shortages_in_Different_Scenarios. Accessed on July 21, 2022.

shortage do not get their fair share of classroom allocation.

The bill also provides that the obligational authority whether Special Allotment Release Order (SARO) or its equivalent and the corresponding 15% cash allocation shall be released not later than January 31 of the pertinent fiscal year. The agency, on the other hand, is compelled to complete the bidding and awarding process within sixty (60) days upon receipt of said fund release documents.

The bill also directs the creation of a National School Building Committee composed of the DepEd and the Department of Budget and Management (DBM) to draw the Annual School Building Expenditure Program.

With a more meaningful rationalization of the school building program through these amendments, the DepEd is expected to be better equipped to respond to the classroom shortage and provide education that will prepare our children for a better future.

Hence, the immediate approval of this bill is earnestly sought.



RALPH G. RECTO

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

1 Section 1. Republic Act No. 7880 is hereby amended by inserting a new Section 3 after
2 Section 2, to read as follows:

3 **"SEC. 3. COVERAGE. - THE PROVISIONS OF THIS ACT SHALL COVER**
4 **ALL CAPITAL OUTLAY APPROPRIATIONS FOR THE DEPARTMENT OF**
5 **EDUCATION (DEPED) INCLUDING, BUT NOT LIMITED TO, THE FUNDS**
6 **APPROPRIATED FOR THE SCHOOL BUILDING PROGRAM AND LOCALLY-**
7 **FUNDED PROJECTS OF THE DEPED."**

8 Sec. 2. Section 3 of Republic Act No. 7880 is hereby amended to read as follows:

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

11 (a) *Capital outlay* - refers to the provisions of the General
12 Appropriations Act, particularly those pertaining to the budget of the
13 **[DECS] DEPED** for elementary and secondary education for (i) the
14 acquisition and improvement of sites; (ii) the construction,
15 replacement, rehabilitation and repair of buildings, classrooms,
16 libraries, workshops, toilets **AND SANITATION FACILITIES** and
17 other structures; and (iii) ~~furniture, fixtures, and equipment such as,~~

1 but not limited to, desks, chairs, laboratory and workshop implements,
2 computers, books,] **OTHER PROPERTY, PLANT AND EQUIPMENT**
3 **IN ACCORDANCE WITH THE CURRENT GOVERNMENT**
4 **ACCOUNTING STANDARDS PRESCRIBED BY THE**
5 **COMMISSION ON AUDIT, SUCH AS FURNITURE, FIXTURES,**
6 **EQUIPMENT, COMPUTERS,** and the other basic and essential tools
7 for learning whose beneficial use shall exceed one (1) year; [and]

8 **"(B) CLASSROOM – REFERS TO A STRUCTURE/BUILDING**
9 **INTENDED FOR INSTRUCTIONAL PURPOSES, INCLUDING**
10 **CHAIRS, DESK AND OTHER SIMILAR FIXTURES; AND**

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

17 Sec. 3. Section 4 of Republic Act No. 7880 is hereby amended to read as follows:

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

22 **"(A) TWENTY PERCENT (20%) OF THE TOTAL CAPITAL**
23 **OUTLAY TO BE ALLOCATED PRO-RATA ACCORDING**
24 **TO THE STUDENT POPULATION OF EACH**
25 **LEGISLATIVE DISTRICT IN RELATION TO THE TOTAL**
26 **STUDENT POPULATION OF THE COUNTRY;**

27 **"(B) SEVENTY PERCENT (70%) OF THE TOTAL CAPITAL**
28 **OUTLAY TO BE ALLOCATED ONLY AMONG THOSE**
29 **LEGISLATIVE DISTRICTS WITH CLASSROOM**
30 **SHORTAGES, PRO-RATA TO THE TOTAL CLASSROOM**
31 **SHORTAGE OF THE COUNTRY PURSUANT TO SECTION**
32 **4(C) AS DETERMINED BY THE DEPED; AND**

33 **"(C) TEN PERCENT (10%) TO BE ALLOCATED TO**

**NATIONAL HIGH SCHOOLS IN ACCORDANCE WITH
THE IMPLEMENTATION OF THE POLICY OF THIS ACT
AS MAY BE DETERMINED BY DEPED."**

~~[(a) On the first year of the effectivity of this Act:~~

~~(1) thirty percent (30%) of the total capital outlay to be
allocated pro-rata according to each legislative district's
student population in relation to the total student
population of the country;~~

~~(2) sixty percent (60%) of the total capital outlay to be
allocated only among those legislative districts with
classroom shortages as defined in Section 3 (b), pro-
rata to the total classroom shortage of the country
pursuant to Section 3 (b) as determined by the DECS;
and~~

~~(3) ten percent (10%) to be allocated in accordance with
the implementation of the policy of this Act as may be
determined by the DECS:~~

~~(b) On the second year and every year thereafter:~~

~~(1) fifty percent (50%) of the total capital outlay to be
allocated pro-rata according to each legislative district's
student population in relation to the total student
population of the country;~~

~~(2) forty percent (40%) of the total capital outlay to be
allocated only among those legislative districts with
classroom shortages, as defined in Section 3 (b), pro-
rata to the total classroom shortage of the country
pursuant to Section 3(b) as determined by the DECS;
and~~

~~(3) ten percent (10%) to be allocated in accordance with the
implementation of the policy of this Act as may be determined by
the DECS.]~~

Sec. 4. Section 5 of Republic Act No. 7880 is hereby amended to read as follows:

"SEC. 6 [5]. *Use of Allocation.* - The total amount allocated herein shall

1 be used exclusively for capital outlay pursuant to the educational priorities
2 of the legislative district, as determined by the [DECS] **DEPED** upon prior
3 consultation with the representative of each legislative district: *Provided,*
4 That the primary objective in the use of any allocation shall be to eliminate
5 **SCHOOLBUILDING/classroom shortages** if any: **PROVIDED,**
6 **HOWEVER, THAT FOR EVERY SCHOOLBUILDING/CLASSROOM**
7 **CONSTRUCTED, THE APPROPRIATE NUMBER OF TOILETS AND/OR**
8 **SANITATION FACILITIES SHALL ALSO BE CONSTRUCTED IN**
9 **ACCORDANCE WITH THE SCHOOL SANITATION AND HEALTH**
10 **SERVICES CHAPTER OF THE CODE ON SANITATION OF THE**
11 **PHILIPPINES (CHAPTER VI, P.D. 856):** *Provided,* further, That any
12 amounts allocated in accordance with [~~subparagraph (1) of paragraphs (a)~~
13 ~~and (b)~~] **PARAGRAPH (a)** of the preceding section shall be used only for
14 the acquisition or improvement of school sites, construction of school
15 buildings and classrooms and the purchase of material or equipment that
16 directly aid in education: *Provided,* furthermore, That the amount so
17 appropriated in accordance with [~~subparagraph (2) of paragraphs (a) and~~
18 ~~(b)~~] **PARAGRAPH (b)** of the same section shall be used exclusively for the
19 construction of new school buildings **AND/OR CLASSROOMS:** *Provided*
20 *Finally,* That if the amount so appropriated in [~~subparagraph (2) of~~
21 ~~paragraphs (a) and (b)~~] **PARAGRAPH (B)** should exceed the amount
22 required to meet classroom shortage, the excess shall be integrated with
23 [~~subparagraph (1) of paragraphs (a) and (b)~~] **PARAGRAPH (A)** of the
24 same section excluding capital outlays of division offices, regional and
25 central offices.

26 **SEC. 5.** Republic Act No. 7880 is hereby amended by inserting two (2) new sections
27 after Section 5, to read as follows:

28 **"SEC.7. INCREASE IN THE ANNUAL BUDGET ALLOCATION -**
29 **THE BUDGET ALLOCATION PROVIDED FOR THE CAPITAL OUTLAY**
30 **OF THE DEPED UNDER THIS ACT SHALL BE INCREASED ANNUALLY**
31 **BY TWENTY PERCENT (20%) TO ACHIEVE THE TARGETED**
32 **CLASSROOM-STUDENT RATIO AND TO ELIMINATE CLASSROOM**
33 **SHORTAGE IN THE COUNTRY.**

1 **"SEC. 8. REPORTORIAL REQUIREMENT. - THE DEPARTMENT OF**
2 **BUDGET AND MANAGEMENT (DBM), THE DEPARTMENT OF PUBLIC**
3 **WORKS AND HIGHWAYS (DPWH), AND THE DEPED ARE REQUIRED**
4 **TO SUBMIT TO THE RESPECTIVE COMMITTEES ON EDUCATION OF**
5 **BOTH HOUSES OF CONGRESS AN ANNUAL REPORT ON THE RELEASE**
6 **AND UTILIZATION OF THE CAPITAL OUTLAY UNDER THIS ACT:**
7 **PROVIDED, THAT SUCH SUBMISSION SHALL BE SEPARATE AND**
8 **DISTINCT FROM THE REPORTS THAT THE SAID DEPARTMENTS**
9 **SUBMIT TO CONGRESS IN RELATION TO THE DELIBERATIONS ON**
10 **THE GENERAL APPROPRIATIONS BILL."**

11 Sec. 6. Sections 6 and 7 of Republic Act No. 7880 are hereby renumbered as Sections
12 9 and 10, respectively.

13 Sec. 7. Section 8 of Republic Act No. 7880 is hereby amended to read as follows:

14 **"SEC. 11 [8]. Penal Clause. - ANY VIOLATION OF THE**
15 **PROVISIONS OF THIS ACT SHALL BE CONSIDERED AS**
16 **DERELICTION OF DUTY AS SET FORTH IN PERTINENT**
17 **ADMINISTRATIVE AND CIVIL SERVICE LAWS, AND SHALL BE**
18 **ADMINISTRATIVELY DEALT WITH IN ACCORDANCE TO**
19 **APPROPRIATE EXISTING ADMINISTRATIVE PROCEDURES AND**
20 **PENALTIES.**

21 "Any public official or employee or private individual who willfully or
22 knowingly misappropriates the funds allocated herein or uses the same for
23 personal gain in violation of Section 6 [5] of this Act shall be punished with
24 perpetual disqualification from public office and imprisonment for not less
25 than six (6) years but not more than fifteen (15) years."

26 Sec. 8. R.A. No. 7880 is hereby amended by inserting a new Section 13 after Section
27 9 to read as follows:

28 **"SEC. 13. MISCELLANEOUS PROVISIONS. - ALL REFERENCES**
29 **TO THE "DEPARTMENT OF EDUCATION, CULTURE AND SPORTS" IN**
30 **REPUBLIC ACT NO. 7880 ARE ACCORDINGLY AMENDED TO READ**
31 **AS "DEPARTMENT OF EDUCATION (DEPED)."**

32 Sec. 9. The other sections in R.A. No. 7880 affected by the preceding sections are
33 hereby renumbered accordingly.

1 Sec. 10. *Separability Clause.* - The provisions of this Act are hereby declared to be
2 separable and, in the event any provision is declared unconstitutional, the other provisions
3 which are not affected thereby shall remain in full force and effect.

4 Sec. 11. *Repealing Clause.* - All laws, decrees, orders, rules and regulations, and all
5 other issuances or parts thereof, which are inconsistent with this Act are deemed repealed,
6 amended or modified accordingly.

7 Sec. 12. *Effectivity.* -This Act shall take effect fifteen (15) days following its publication
8 in the *Official Gazette* or in a newspaper of general circulation.

Approved,