

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19TH CONGRESS
Second Regular Session

HOUSE BILL NO. **10586**



Introduced by Representative Michael L. Romero

EXPLANATORY NOTE

The **1987 Constitution** mandates the state to support **students and teachers in the private education sector** through appropriate technology and research, adequate financial services and other support services.

Elementary education is the first six [6] years of basic education, excluding pre-school and grade seven, the completion of which is attested by a certificate issued by or with permission of the Department of Education, Culture and Sports. **Secondary education** is the next four [4] years of basic education, the completion of which is attested by a high school diploma issued by or with permission of the Department of Education (**DEPED**).

Post-secondary education may be education and training in non-degree vocational and technical courses offered in post-secondary vocational and technical institutions or education in degree courses offered by higher educational institutions, the completion of which are attested by a certificate or diploma issued by or with permission of the Technical Education and Skills Development Authority [**TESDA**] or the Commission on Higher Education [**CHED**].

In addition to the foregoing criteria, within such reasonable time as the respective State Assistance Council may determine, student grantees under the **Private Education Student Financial Assistance Program** shall be enrolled in schools which have accredited programs or are applying for accreditation as may be recognized by the respective State Assistance Council.

This House Bill seeks to achieve and attain a higher degree of efficiency in the organization, administration, and operation of the **Private Education Student Financial Assistance Program** with the end view that harmony and order shall be maintained more effectively, and the laws enforced with more impartiality.

Thus, the early passage of this bill is earnestly requested.

A handwritten signature in black ink, appearing to read 'Michael L. Romero', with a long horizontal line extending to the right.

MICHAEL L. ROMERO Ph.D.

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AN ACT

AMENDING **REPUBLIC ACT NO. 8545, “EXPANDED GOVERNMENT ASSISTANCE TO STUDENTS AND TEACHERS IN PRIVATE EDUCATION ACT”**, PROVIDING FOR STIFFER PENALTIES AND SANCTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. DECLARATION OF POLICY — It is hereby declared a policy of the state to promote the improvement, advancement and protection of students and teachers in the private education sector by undertaking and instituting measures that will result in professional, ethical, relevant, efficient, and effective for the development and enrichment of the entire country.

The state recognizes the important role of teachers in the private education sector for nation-building and promotes the sustained development of reservoir of guidance and counselors whose competence have been determined by honest and credible licensure examinations whose standards of professional practice and service are world-class and internationally recognized, globally competitive

through preventive regulatory measures, programs and activities that foster their continuing professional development.

It shall be imperative for the state to promote and make quality services and support accessible to all Filipino citizens.

For these purposes, the state shall provide the mechanisms to improve our **education system** by maximizing the use of existing resources of all government agencies and branches, recognizing in the process the government's responsibility to provide a wholistic approach as having priority over its other functions.

It is a declared policy of the state in conformity with the mandate of the Constitution, to promote and make quality education accessible to all Filipino citizens. The State also hereby 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.

For these purposes, the state shall provide the mechanisms to improve quality in private education by maximizing the use of existing resources of private education, recognizing in the process the government's responsibility to provide basic elementary and secondary education, post-secondary vocational and technical education and higher education as having priority over its other functions.

SECTION 2. section 1 Appropriations of RA8545 is hereby amended to read as follows:

*Sec. 16. Appropriations. – The amount needed to implement these programs shall be provided for in the annual General Appropriations Act. The appropriation of **Ten billion pesos (P10,000,000,000.00)** already appropriated under the General Appropriations Act shall be used for this purpose.*

Thereafter, such amount as is necessary to carry out the provisions of this Act shall be included in the **annual General Appropriations Act (GAA)**.

The **Department of Budget and Management (DBM)** shall rationalize the existing organizational structure and staffing pattern of the **DEPED Fund Assistance Council** in accordance with the prevailing provisions and relevant compensation and position classification laws, rules and regulations.

The Fund shall be chargeable against funds for the purpose and other sources recommended by the **Department of Budget and Management (DBM)**

Thereafter, the amount needed for the continued implementation of this act shall be included in the annual **General Appropriations Act (GAA)**

The Fund shall be administered by the **Secretary of DEPED** in accordance with existing government budgeting, accounting, and auditing rules and regulations.

SECTION 3. section 1 Penalties of RA8545 is hereby amended to read as follows:

*Sec. 17. Penalties. – In case of violations of the provisions of this Act or the rules and regulations promulgated pursuant thereto by an institution, the Department of Education (DEPED), the TESDA and the CHED, upon the recommendation of the Council, **shall** bar the institution from participating in or benefiting from the programs of this Act, and from other programs of the Department, without prejudice to administrative and criminal charges as may be filed against the school and/or its responsible officers under existing laws.*

SECTION 4. PRESCRIPTION OF CRIMES. – The crime punishable under this act shall be prescribed in twenty **(20)** years.

SECTION 5. INCREASE OF PERSONNEL. – The **DEPED** shall maintain a sufficient staffing pattern. Hence, it is authorized to increase its

manpower to meet such required and may continue to increase personnel per percentage rate increase of committed mandates annually or as the need arises.

SECTION 6. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six **(6)** months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 7. IMPLEMENTING RULES AND REGULATIONS. – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty **(60)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 8. SAVING CLAUSE. All pending cases shall be absorbed by the **Financial Assistance Council** of **DEPED** after the publication of the **Manual of Operations** containing rules and regulations relative to such matters.

SECTION 9. CRITERIA FOR ASSISTANCE. – The programs for assistance shall be based on a set of criteria which shall include, among others, tuition fees charged by the schools, the socioeconomic needs of each region giving priority to the **Social Reform Agenda (SRA)** provinces, overall performance of the schools, the academic qualifications and the financial needs of the students and the teachers and the financial needs of the schools, as well as the geographic spread and size of student population.

In addition to the foregoing criteria, within such reasonable time as the respective State Assistance Council may determine, student grantees under the **Private Education Student Financial Assistance Program** shall be enrolled in schools which have accredited programs or are applying for accreditation as may be recognized by the respective **Financial Assistance Council**.

Preference shall be given to students whose family income is not more than two hundred fifty thousand pesos **[P250,000.00]** or such amounts as may be determined by the respective councils, as defined.

For purposes of this Act, programs of assistance to students and teachers of private post-secondary vocational and technical institutions and higher educational institutions shall likewise be extended to students and teachers of community colleges in degree and non-degree programs. Implementation of the program shall encourage students to undergo post-secondary vocational and technical and higher education courses in the same region where their families reside

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

The Financial Assistance Council jointly with the Department of Education, (**DEPED**), the **CHED** and the **TESDA** shall formulate measurement standards for the evaluation of the quality of courses as well as the standing and status of the recipient institutions.

Within three **[3]** years from the approval of this Act, assistance shall be given to schools: Provided, That the present allocation of the tuition fee and other income of the schools shall be used at the same proportion and allocation as provided by law.

in accordance with **Republic Act No. 8545**, subject to compliance with the requirements prescribed by the **DEPED**.

SECTION 10. PROHIBITION- No corporation, partnership, association or entity shall operate without securing a permit from **DEPED**, which shall be issued only after it has satisfied itself that such establishment is properly staffed/accredited.

Any unethical practice as may be defined in a **Code of ethics and Code of Technical Standards** to be prepared by the **DEPED**, is prohibited

SECTION 11. REPEALING CLAUSE. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 12. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 13. EFFECTIVITY CLAUSE. – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,