

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
19TH CONGRESS
Third Regular Session



House Bill No. 10735

**INTRODUCED BY REPRESENTATIVE
MICHAEL L. ROMERO**

EXPLANATORY NOTE

The **1987 Constitution** mandates the state to support the **governance** of **basic education** through appropriate technology and research, with adequate financial and other support services.

The education system refocused mandate to **basic education governance** which covers elementary, secondary and non-formal 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 August 2001, **Republic Act 9155**, otherwise called the **Governance of Basic Education Act**, was passed transforming the name of the Department of Education, Culture and Sports (DECS) to the Department of Education (**DEPED**) and redefining the role of field offices (regional offices, division offices, district offices and schools).

it is hereby a declared policy of the state that every graduate of **basic education** shall be an empowered individual who has learned, through a program that is rooted on sound educational principles and geared towards excellence, the foundations for learning throughout life, the competence to engage in work and be productive, the ability to coexist in fruitful harmony with local and global communities, the capability to engage in autonomous, creative, and critical thinking, and the capacity and willingness to transform others and one's self.

Article XIV, Section 2 of the 1987 Constitution highlights the government's duty to ensure a complete and suitable education system that meets the needs of the people in an ever-changing environment. It also calls

for support for students through scholarships and other aid, especially for those from underprivileged backgrounds.

Furthermore, it promotes alternative learning approaches, including informal and community-based programs. The Republic of the Philippines, must find a permanent and lasting solution to our recurring school shortage crisis. The state must ensure a stable and sufficient program by involving as many stakeholders as possible in all sectors.

We must review the mandate and flow of operations of all our government agencies involved in the production and distribution of all our school facilities and programs to improve synergy in pursuant to the mandate of the Constitution. Several recent studies have pointed out the alarming deterioration of the quality of learning in the Philippines, but this was officially confirmed in the basic education report delivered by concurrently serving as secretary to the **Department of Education (DEPED)**. There are several issues that plague the country's basic education system and reforms.

Data unveiled the education agenda and focused on curriculum reform, accelerated delivery of services, promoting the well-being of learners, and providing greater support to teachers. Responding to the report, in acknowledging the government's accountability to the nation's young learners. **DEPED** promised to build better infrastructure by investing heavily in education.

The President had referenced his administration's development plan, education crisis is linked to years of incapacity and lacking investment in education. This dismal state of basic education was welcomed by some educators. The state vowed to work with in passing education reform measures. This House Bill seeks to create programs aimed at and promote well-being for all.

This House Bill sets a manifestation to the freedom of education to be accorded due respect and be allowed to flourish. Thus, the strengthening of the **Basic Education Research Fund Program** is therefore imperative.

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
STRENGTHENING THE GOVERNANCE OF BASIC EDUCATION,
INCREASING THE BASIC **EDUCATION RESEARCH FUND**
(BERF), TO PROMOTE ACCOUNTABILITY AND AUTHORITY,
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. SHORT TITLE. This Act shall be known as the "
BASIC EDUCATION RESEARCH FUND (BERF) ACT OF 2024 "

SECTION 2. DECLARATION OF POLICY - It shall hereby be a
declared the policy of the state to protect and promote the right of all citizens
to quality basic education and to make such education accessible to all by
providing all Filipino children a free and compulsory education in the
elementary level and free education in the high school level.

Such education shall also include alternative learning systems for out-
of-school youth and adult learners. It shall be the goal of basic education to
provide them with the skills, knowledge and values they need to become caring,
self-reliant, productive and patriotic citizens.

Governance of education shall begin at the national level it is at the regions, divisions, schools and learning centers herein referred to as the field offices - where the policy and principle for the governance of basic education shall be translated into programs, projects and services developed, adapted and offered to fit local needs.

The state shall encourage local initiatives for improving the quality of basic education. The state shall ensure that the values, needs and aspirations of a school community are reflected in the program of education for the children, out-of-school youth and adult learners. Schools and learning centers shall be empowered to make decisions on what is best for the learners they serve.

The school shall be the heart of the formal education system. It is where children learn. Schools shall have a single aim of providing the best possible basic education for all learners.

SECTION 3. GOVERNANCE OF BASIC EDUCATION shall begin at the national level. It is in the regions, divisions, schools and learning centers.

The state shall instill the policy and principle for the **governance of basic education** to be translated into programs, projects and services developed, adapted and offered to fit local needs. The state shall encourage local initiatives for improving the quality of basic education.

The state shall ensure that the values, needs and aspirations of a school community are reflected in the program of basic education for the children, out-of-school youth and adult learners. Schools and learning centers shall be empowered to make decisions on what is best for the learners they serve.

The state shall protect basic, advance and post graduate education of citizens in the Philippines. Based on the **Philippine Constitution**.

It is hereby a declared policy of the state to protect and promote the right of all citizens to quality basic education and to make such education accessible to all by providing all Filipino children a free and compulsory education in the elementary level and free education in the high school level. Such education

shall also include alternative learning systems for out-of-school youth and adult learners. It shall be the goal of basic education to provide them with the skills, knowledge and values they need to become caring, self-reliant, productive and patriotic.

The state shall provide the mechanisms to improve awareness and unity by maximizing the use of all existing resources. recognizing in the process the government's responsibility to instill education as having priority over its other functions.

SECTION 4. ESTABLISHMENT OF A SELF-GOVERNING ADVISORY COUNCIL (NAC) — There shall be established a self-governing advisory council to be headed by the **DEPED**.

The **National Governing Council** shall formulate its own implementing rules and regulations to govern its proceedings. The Council shall choose its official home base and organize a staffing protocol to aid and carry out its functions.

Existing structures, facilities and equipment's that would meet the standard requirements could be upgraded to effectively serve and be designated as such in compliance with rules and regulations set by the **Department of Education (DEPED)**.

SECTION 5. REGIONAL ADVISORY COUNCIL - for purposes of this act, to execute the foregoing policy, there shall hereby be created the **Regional advisory Council**. This council shall have the overall authority and responsibility and accountability for crafting and formulating a comprehensive program for the implementation of this act.

The regional advisory councils and NGC shall have, as members, representatives from the, **Department of Education (DEPED)**, **Commission on Audit (COA)** and the **DBM**. The regional advisory councils and NAC shall also have, as additional members, two **(2)** representatives from accredited

nongovernmental organizations working or monitoring school administration and service programs.

The Council shall formulate its own implementing rules and regulations to govern its proceedings. The Council shall choose its official home base and organize a staffing protocol to aid and carry out its functions.

The Field Offices are responsible for the regional and local coordination and administration of the Department's mandate. **RA 9155** provides that the Department should have no more than four **(4)** Undersecretaries and four **(4)** Assistant Secretaries with at least one Undersecretary and one Assistant Secretary who are career service officers chosen among the staff of the Department.

SECTION 6. BASIC EDUCATION RESEARCH FUND (BERF) shall concentrate on areas/topics for research:

- a.** Increasing participation rate by reaching the unreached children/learners;
- b.** Impact of pre-schooling on increasing survival rates in lower elementary grades;
- c.** Impact of feeding programs on pupil learning/achievement;
- d.** Raising the proficiency level of children already in school;
- e.** Increasing local government spending in basic education;
- f.** Cost Effectiveness of Education Service Purchasing;
- g.** Improving DepEd's internal efficiency through the development of new and/or improvement of existing systems and procedures for implementing DepED programs and projects and other operations;
- h.** Modernization of DepEd operations.

Research proponents may either narrow down the specific areas to be researched on, or may recommend other possible areas, subject to DepEd's approval.

SECTION 7. APPLICATION BY BUREAUS AND OFFICES OF THE HEAD OFFICE can avail of this research fund by submitting a research proposal following the prescribed format.

SECTION 8. APPLICATION BY INSTITUTIONS OUTSIDE OF DEPED for this purpose, the following criteria shall be considered in the evaluation of a non-DepEd-developed research proposal:

- a. Qualification of the Service Provider (40%)
- b. Quality of the Proposal (40%); and
- c. Cost of the Proposal (20%)

SECTION 9. RECURRING ASSESSMENT. - Every three **(3)** years after the effectivity of this Act, the **(DEPED)** shall conduct an impact assessment to evaluate the effectiveness of the Governance system, the reliability of the use of governance and research funds for program implementation.

The amounts indicated in this Act shall be made available to the members of all the **(NAC)** during the implementation of this Act.

Provided *However*, the submission and evaluation of proposals from private institutions shall be subject to the provisions of **RA 12009 (Government Procurement Reform Act)**.

Provided, that every three **(3)** years after the effectivity of this Act, the **(DEPED)** shall recommend to the **DBM** whether the **BREF** shall be adjusted to its present value using the current research price index, as published by the **PSA**

Provided, further, That the **NAC** shall ensure that the grant amounts are sufficient to make a positive impact on the entire education sector and are delivered timely.

Provided, that every three **(3)** years after the effectivity of this Act, the NAC shall recommend to the **DBM** whether the amounts be adjusted to its present value using, as published by the **DEPED**

Provided, finally, That the **NAC** shall ensure that the amounts are sufficient to make a positive impact on education of the students/learners and are timely received and spent by the governing entity.

SECTION 10. 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 11. PERIOD OF IMPLEMENTATION – The modernization program under this Act shall be implemented for an initial period of three **(3)** years:

Provided, that payments for multi-year contract obligations incurred under this Act may extend beyond this period:

Provided, further, That the **(DEPED)** shall continue to develop, modernize and constantly update its operational capabilities to keep pace with best global practices.

SECTION 12. SETTINGS FOR ENTITLEMENT. -All qualified members of the **NAC** shall comply with all of the following conditions as a requirement for continued program eligibility:

Any or all of the conditions for entitlement may be suspended by the **DEPED Secretary** during times of calamities, war and armed conflicts.

SECTION 13. MANDATES OF THE COUNCIL – to institutionalize all foregoing policies, the **DEPED** shall focus all its development plans and programs, towards the achievement of the National goals.

The **BREF** shall be made available for each DepEd Regional Office and one Division Office per region to enable them to use research as a tool for making local policies and decisions.

- a. The utilization of the research grant shall be subject to the prior approval by the DepEd Central Office of their official request for the grant, duly supported by a research proposal which shall be within DepEd's thrusts and policies described in item hereof and in accordance with the attached format.
- b. The DepEd Research Grant shall be in the form of fund transfer to the Regional and concerned Division Offices. *However*, these offices are required to submit a full report after the research/study has been undertaken. Part of the report shall be the official copy of a proposed DepED order or memorandum addressing certain policy-relevant gaps applicable nationwide or obtaining in a specific region as a result of the findings and recommendations in the study.
- c. The invitation to undertake research in basic education is extended to DepEd and non-DepEd offices/researchers. *However*, the submission and evaluation of proposals from private institutions shall be subject to the provisions of **RA 12009 (Government Procurement Reform Act)**
- d. The research must be completed within the year.
- e. Deadline for the submission of the request for a research grant and research proposal from the field offices is April 30 of every Fiscal Year,
- f. The Office of the Director for Planning Service shall coordinate and supervise the utilization of the **Basic Education Research Fund**.
- g. A Technical Evaluation Committee shall be organized to evaluate the research proposals submitted by different offices.
- h. Immediate dissemination is preferred.

The **DBM** shall provide the necessary technical and financial assistance to ensure the effective operation and construction of the school infrastructures/facilities.

SECTION 14. NONCOMPLIANCE WITH TERMS AND CONDITIONS. - The responsible person/officer of a reported regional or district level who fails to comply with conditions set forth in **RA9155** shall at

first be notified in writing and shall be terminated. After review of the **NAC** of noncompliance/mal-governance, and shall be subject to case management process of **DEPED**.

SECTION 15. PENAL CLAUSE. – Any person, whether natural or juridical, violating any section of this Act shall, upon conviction, therefore, be liable to a fine of not less than five hundred thousand pesos (**P500,000.00**) or imprisonment for a term not less than six (**6**) years, or both, at the discretion of the court for each and every violation.

In case the violation is committed by a corporation or an association, the penalty shall devolve upon the president, director, or any other officer responsible for such violation.

SECTION 16. SUPERVISING AND ASSESSMENT CONCERNS. — the **Department of Education (DEPED)** shall provide the necessary technical and financial assistance to ensure the effective operations and build-up.

SECTION 17. IMPLEMENTING AGENCY. — the **Department of Education (DEPED)**.

SECTION 18. IMPLEMENTING RULES AND REGULATIONS. — Within ninety (**90**) days from the effectivity of this Act, the **Department of Education (DEPED)**, and other concerned government and private agencies, promulgate the necessary rules and regulations to carry out the provisions of this Act.

SECTION 19. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given three (**3**) 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 20. APPROPRIATION. — The amount necessary for the initial implementation to fund this act shall be charged under the **Department of Education (DEPED)**.

The amount of five **(5) billion pesos (Php 5, 000,000,000.00)** necessary for the initial implementation to fund this act shall be charged under the **Department of education (DEPED)**

The amount determined by the Department of Budget and Management **(DBM)** for the implementation of this Act shall be charged under the existing funding of the **Department of Education (DEPED)**.

Thereafter such amounts necessary for the successive and continuous implementation of this Act, including the operations maintenance of reserves shall be automatically appropriated in the **General Appropriations Act (GAA)**.

Thereafter, such amounts necessary for the initial implementation of this act shall be included in the annual **General Appropriations Act (GAA)**.

The agencies concerned shall provide for the continued maintenance, operation, and management of all the facilities and equipment's.

SECTION 21. CONTINUING APPROPRIATION. - The Department of Budget and Management **(DBM)** is hereby mandated to include annually in the next five **(5)** years, in the President's Program of expenditures for submission to Congress, and release, an amount not less than five **(5)** billion pesos **(Php 5, 000, 000, 000.00)** for the implementation of this Act.

SECTION 22. PERIODIC REPORTS - The **Secretary** of **(DEPED)** shall submit periodic reports on its findings and make recommendations on actions to be taken by Congress and Senate and the appropriate department, and in order to carry out the objectives and mandates of this Act.

The **DEPED** shall annually publish a full report of the research covering the implementation of the previous fiscal year.

The said report shall include financial disclosures, and recommendations to the Advisory Council, the President and to both chambers of Congress on how to further enhance it. This report shall be submitted to Congress before the submission of the President's Budget Message.

SECTION 23. MANDATORY MONITORING. - The **DEPED** shall monitor the implementation of the program and report its status at least once every three **(3)** years in order to ensure the attainment of the goals enumerated in this Act to the House of Representatives and the Senate of the Philippines.

SECTION 24. AUTOMATIC REVIEW - Every three **(3)** years after the effectivity of this Act, an independent review panel composed of experts to be appointed by the **President** of the Republic shall review the policies and programs in the agriculture sector and shall make recommendations, based on its findings, to the President and to both Houses of Congress.

SECTION 25. INDEPENDENT MONITORING AGENCY. - An **Independent Monitoring Agency** shall be created at the regional, and national levels, composed of representatives from the private sector and civil society organizations **(CSOs)** to complement the monitoring activities of the **DEPED** and provide feedback for appropriate action.

It shall submit a report on the results of its monitoring activities relative to the implementation of the program to the respective *regional advisory councils and the NAC*.

Section 26. PROGRAM CLARITY— The **DEPED** shall regularly and timely post and update on its website a report of financial disclosures and information about beneficiaries based on geographical area, social, economic and cultural circumstances.

SECTION 27. SEPARABILITY CLAUSE. — If any provision of this Act shall be held unconstitutional or invalid, the remaining provisions which are not affected thereby shall continue to be in full force and effect.

SECTION 28. REPEATING CLAUSE. — All laws, decrees, executive orders, rules and regulations, and other issuances, or parts thereof, contrary to or inconsistent with this Act are hereby modified, amended or repealed accordingly.

SECTION 29. EFFECTIVITY. — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,