

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 478



Introduced by Representative Roman T. Romulo

EXPLANATORY NOTE

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" or E-GASTPE, which provides assistance to students and teachers in the private education needs to be further broadened. Circumstances and conditions have altered since the law was enacted more than twenty years ago.

Private educational institutions are currently afflicted with challenges. In 2020 during the first year of the pandemic, their enrollment dropped by 48%.¹ Prior to that, numerous students had already transferred to public schools due to the abrupt migration of teachers.² This predicament also affects the public schools which are forced to accommodate the increased enrollment.³ Hence, a new law upgrading the EGASTPE is imperative.

Further, various government assistance programs for the benefit of the students in higher education institutions have been institutionalized in Republic Act No. 10931, otherwise known as the "Universal Access to Quality Tertiary Education Act."

This bill seeks to:

- (a) Expand the coverage of EGASTPE beneficiaries to kindergarten, elementary, and high school learners;

¹ Juan Miguel Luz, "[ANALYSIS] Too Many Children Not Enrolled This School Year Is A Major Concern," *Rappler*, November 19, 2020, <https://www.rappler.com/voices/ispeak/analysis-too-many-children-not-enrolled-this-school-year-major-concern/>

² Gilbert P. Felongco, "Education Secretary: More Teachers Opting To Work In Public Schools," *Gulf News*, July 27, 2018, <https://gulfnews.com/world/asia/philippines/education-secretary-more-teachers-opting-to-work-in-public-schools-1.2257710>

³ See note 2.

(b) Sets specific criteria for voucher assistance programs to students and another criteria to participating private basic education schools based on the percentage of enrolled priority students;

(c) Accentuates student choice through a system that allows students and parents to select their preferred schools from a registry of participating schools;

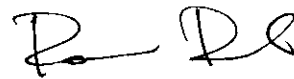
(d) Mandates the DepEd to establish, operate and maintain a system and mechanism for monitoring program outcomes to ensure accountability of participating schools;

(e) Grants other forms of assistance to private basic education institutions; and

(f) Establishes in-service training fund and provides salary subsidies to teachers of private basic education.

With this measure, the complementary role of private educational institutions to the public school system is further strengthened. Quality education will become more accessible and the education sector, especially the private institutions, shall continue to flourish.

In view of the foregoing, this representation seeks the immediate passage of this measure.



ROMAN T. ROMULO
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AN ACT

ESTABLISHING THE PRIVATE BASIC EDUCATION VOUCHER PROGRAM, PROVIDING FOR THE CREATION OF THE BUREAU OF PRIVATE EDUCATION, AND APPROPRIATING FUNDS THEREFOR, REPEALING FOR THE PURPOSE SECTIONS 2, 3, 4(2), 4(3), 5, 6, 7, 12, 14, AND 15 OF REPUBLIC ACT NO. 8545, OTHERWISE KNOWN AS THE "EXPANDED GOVERNMENT ASSISTANCE TO STUDENTS AND TEACHERS IN PRIVATE EDUCATION ACT", WHICH AMENDED REPUBLIC ACT NO. 6728, OTHERWISE KNOWN AS THE "GOVERNMENT ASSISTANCE TO STUDENTS AND TEACHERS IN PRIVATE EDUCATION ACT"

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the "Private Basic
2 Education Vouchers Assistance Act".

3 **SEC. 2. *Declaration of Policy.*** – It is the declared policy of the State to
4 protect and promote the right of all citizens to quality education at all levels, and shall
5 take appropriate steps to make such education accessible to all. As part of its
6 mandate, it is the State's policy to establish and maintain a system of scholarship
7 grants, subsidies, and other incentives which shall be available to deserving students,
8 as determined by the guidelines, in both public and private schools, especially to the
9 underprivileged. Likewise, the State recognizes the complementary roles of public and
10 private educational institutions in the educational system and the invaluable
11 contribution that the private schools have made and will make to education.

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

1 **SEC. 3. Coverage.** – This Act shall cover all private basic education institutions
2 that receive government assistance in the form of vouchers for qualified students,
3 teachers and schools. This covers all the years of basic education.

4 The programs of assistance for students under this Act shall be extended only
5 to citizens of the Philippines.

6 **SEC. 4. Criteria for Voucher Assistance.** – The programs for voucher
7 assistance shall be based on a set of criteria which include among others, the
8 following:

9 (a) *Criteria for Students.* – The voucher assistance shall be given to students
10 from middle-income families, as determined by the Philippine Statistics Authority
11 (PSA), who attended public schools identified by the Department of Education as
12 congested or those living in areas with congested public schools or without a nearby
13 public school who wish to enroll in private basic education schools.

14 Students who are most vulnerable and underprivileged shall receive a higher
15 voucher amount as determined by the Basic Education Assistance Council (BEAC).

16 (b) *Criteria for Schools.* – The participating private basic education schools shall
17 receive assistance based on Quality Assurance under Section 6 of this Act, and the
18 geographic spread and size of student enrollment, as likewise determined by the
19 BEAC, except schools with gaps in resources and facilities which are located in
20 geographically isolated and disadvantaged and conflict-affected areas, or GIDCA
21 schools. Private schools shall undergo the process of recognition and periodic
22 assessment to be able to participate in the programs for voucher assistance.

23 **SEC. 5. Empowering Student Choice.** – The Department of Education
24 (DepEd) shall create a system that allows students and parents to select their
25 preferred schools from a registry of participating recognized schools, subject to
26 availability of slots.

27 The registry of participating recognized private basic educational institutions
28 shall include their schools' information, such as location, number of available slots,
29 number of students per classroom and level, extra-curricular programs, current tuition
30 fees, and top-up required in cases where the voucher amount is less than the tuition
31 fee, among others.

32 **SEC. 6. Quality Assurance.** – The DepEd shall establish, operate and
33 maintain a system and mechanism for monitoring program outcomes to ensure
34 accountability of participating recognized private basic educational institutions. This
35 covers the following areas:

1 (a) Improved Student Performance – Appropriate performance indicators to
2 determine the extent and outcome of the government assistance and subsidies (GAS)
3 programs including youth literacy rates, national and international assessment scores,
4 among others. For this purpose, the National Achievement Tests and all national
5 assessment examinations generally given by the DepEd shall be administered to all
6 eligible students in all participating private basic education institutions;

7 (b) Improved Student Outcomes – Tracer system to collect and evaluate the
8 career and employment path of its graduates;

9 (c) School Performance – School performance data indicating the mean,
10 median and mode of the scores of the students in the national examinations, and such
11 other measures of quality education delivery; and

12 (d) Priority Subsidy for Underprivileged Students – Distribution of the GAS
13 programs while ensuring that funding is equitably allocated following the order of
14 priority groups.

15 **SEC. 7. Other Forms of Assistance.** – The following shall consist of
16 assistance to private basic education institutions and teachers participating in the
17 voucher program under this Act:

18 The forms of assistance granted to teachers in the participating recognized
19 private basic education schools include:

20 (a) In-service training fund for teachers in private basic education schools;

21 (b) Scholarships for qualified private basic education teachers enrolled in
22 quality graduate programs; and

23 (c) Participation in government-funded in-service training for basic education
24 teachers.

25 The DepEd may establish a program of assistance for the development of
26 qualified recognized private basic education schools to cover the following areas of
27 school operation:

28 (a) Institutional Development;

29 (b) Organizational Development;

30 (c) Human Resource Development;

31 (d) Curriculum and Instructional Development;

1 (e) Research and Planning; and

2 (f) Facilities and School Improvement.

3 Consistent with Section 10 of Republic Act No. 10533, or the "Enhanced Basic
4 Education Act of 2013", the DepEd, in consultation with the Department of Budget
5 and Management (DBM), may develop other forms of financial arrangements and
6 engage the services of private basic education schools based on the complementary
7 roles of public and private institutions in the educational system.

8 **SEC. 8. Basic Education Voucher Program.** – Under the basic education
9 voucher program, kindergarten, elementary, and secondary students enrolled in
10 recognized private basic education schools charging school fees shall be provided by
11 the government with vouchers in such amount as may be determined by the DepEd:
12 *Provided, That* the amount shall not be less than the amount currently provided by
13 the DepEd: *Provided, That* the government shall disburse payment of the vouchers
14 to the schools concerned within sixty (60) days from the submission of complete
15 documents to the DepEd.

16 The budget for the basic education voucher program shall be equitably
17 allocated and distributed among all regions including the Bangsamoro Autonomous
18 Region in Muslim Mindanao (BARMM) based on official data sources including, but not
19 limited to, congestion data and open seats, giving priority to underprivileged students.

20 Pursuant to Section 2(V), Article V of the Bangsamoro Organic Law, the
21 Bangsamoro Government shall exercise its authority over education for the areas
22 under the BARMM and will directly implement the same program to be charged against
23 their block grant. The DepEd shall provide technical assistance in the implementation
24 of the GAS Program, when necessary.

25 Schools participating in the basic education voucher program may increase
26 tuition on the condition that seventy percent (70%) of the amount of the tuition
27 increases shall go to the payment of salaries, wages, allowances, and other statutory
28 benefits of teaching and non-teaching personnel, except administrators who are
29 principal stockholders of the school, and may be used to cover salary increase as
30 provided for in the collective bargaining agreements existing or in force at the time
31 when this Act is approved and made effective. At least twenty percent (20%) of the
32 tuition increases shall go to the improvement or modernization of buildings,
33 equipment, libraries, laboratories, gymnasias and similar facilities and to the payment
34 of other costs of operation. For this purpose, schools shall maintain a separate record
35 of accounts for all assistance received from the government, any tuition increase, and
36 the detailed disposition and use thereof, which record shall be made available for
37 periodic inspection as may be determined by the DepEd.

1 **SEC. 9. *In-Service Training Fund or Inset Fund.*** – For the purpose of
2 improving the quality of teaching in private basic education, there is hereby
3 established in the DepEd an Inset Fund to provide for training programs for the
4 upgrading of knowledge and teaching competencies in critical subject areas and for
5 the modernization of teaching techniques and strategies, including training on the use
6 of computers and of other multi-media educational technologies to assist instruction:
7 *Provided*, That the amount of Inset Fund available to private basic education shall
8 not exceed that available to public basic education as per capita basis: *Provided*,
9 *further*, That the training programs shall be approved by the DepEd.

10 **SEC. 10. *Teachers' Salary Subsidy Fund.*** – A Teachers' Salary Subsidy
11 Fund is hereby established in the DepEd to grant government subsidy to teachers in
12 recognized private basic education schools participating in the programs of assistance
13 under in this Act: *Provided*, That the government shall provide the teachers with
14 salary subsidy, to be determined by the DepEd: *Provided, further*, That the
15 government shall disbursed payment within sixty (60) days after the close of the
16 school year upon submission of complete documents, including but not limited to
17 qualification and actual teaching service, to the DepEd: *Provided, furthermore*,
18 That the present allocation out of increases from tuition and other income
19 shall be maintained: *Provided, finally*, That the teacher's salary subsidy received
20 by the teacher shall form part of the exclusions from taxable gross income in
21 accordance with Section 32(B)(7)(e) of the National Internal Revenue Code of
22 1997, as amended.

23 **SEC. 11. *Creation of the Bureau of Private Education.*** – The Bureau of
24 Private Education (BPE) under the DepEd shall be created to serve as the focal office
25 for the administration, supervision, and regulation of all matters relating to private
26 basic education institutions, including government assistance and subsidies. It shall
27 be headed by a Bureau Director.

28 It shall have the following powers and functions:

- 29 (a) Monitor and assess the implementation of the private basic education
30 institutions of the policies, plans, and programs established by the DepEd
31 as recommended by BPE;
- 32 (b) Set and enforce minimum standards for programs and institutions of
33 learning, subject to public hearing;
- 34 (c) Ensure that the activities, efforts, and performance of private basic
35 education institutions shall meet the high standards of excellence and
36 accountability;
- 37 (d) Administer and implement the policies and programs related to the
38 assistance and subsidies given by the government to students, teachers,
39 and schools in private education;

- 1 (e) Establish and support partnerships with individual private education
2 institutions to respond effectively to the pressing needs of students and
3 teachers, and to provide learning solutions to underserved communities;
4 (f) Monitor and ensure compliance of private basic education institutions to
5 the promulgated rules and regulations of the DepEd in all matters
6 concerning private schools, including tuition fee increases; and
7 (g) Such other powers and functions as may be necessary for the effective
8 and efficient implementation of this Act.

9 **SEC. 12. *Program Administration and Implementation.*** – The BEAC
10 shall be responsible for policy guidance and direction, monitoring and evaluation of
11 new and existing programs while the Government Assistance and Subsidies Service
12 (GASS) under the BPE shall be responsible for the day-to-day administration and
13 implementation on the programs of assistance to private basic education.

14 The BEAC shall be composed of the Secretary of the DepEd, as Chairperson,
15 and the Secretary of the Department of Economy, Planning and Development
16 (DEPDev) and Secretary of the DBM as members.

17 The alternate representative of the Chairperson shall possess the rank of an
18 Undersecretary while the alternate representatives of the members shall possess the
19 rank of not less than an Assistant Secretary in order to secure a quorum.

20 The BEAC shall meet, from time to time, as the need arises, to assess the
21 effectivity of the programs under this Act and to propose to Congress other forms of
22 assistance to participating students and schools.

23 The GASS shall serve as the permanent secretariat for the implementation of
24 the GAS programs under this Act.

25 The DepEd may engage the services of a third party co-implementor of the
26 GAS programs under this Act.

27 **SEC. 13. *Appropriations.*** – The amount necessary for the initial
28 implementation of this Act shall be charged against the current year's appropriation
29 of the DepEd. Thereafter, such amount shall be included in the annual General
30 Appropriations Act.

31 **SEC. 14. *Penalties.*** – In case of violation of this Act by a private school, the
32 DepEd may bar, after due process, such school from participating in or benefiting
33 from the programs of this Act, and from other programs of the DepEd, without
34 prejudice to administrative and criminal charges that may be filed against the school
35 or its responsible officers under existing laws.

1 **SEC. 15. *Transitory Provision.*** – Subject to the availability of funds, the
2 implementation of the provisions stipulated in this Act for the kindergarten and
3 elementary levels shall gradually commence in school year 2026-2027, as may be
4 determined by the DepEd.

5 **SEC. 16. *Implementing Rules and Regulations.*** – Within ninety (90) days
6 from the approval of this Act, the DepEd shall, in consultation with the DEPDev, the
7 DBM, and other concerned stakeholders from the national associations of private basic
8 education institutions, promulgate the rules and regulations implementing the
9 provisions of this Act.

10 **SEC. 17. *Separability Clause.*** – If any provision of this Act is held invalid or
11 unconstitutional, the other provisions not so declared shall remain in full force and
12 effect.

13 **SEC. 18. *Repealing Clause.*** – Sections 2, 3, 4(2), 4(3), 5, 6, 7, 12, 14, and
14 15 of Republic Act No. 8545, or the "Expanded Government Assistance to Students
15 and Teachers in Private Education Act, which amended Republic Act No. 6728, or the
16 "Government Assistance to Students and Teachers in Private Education Act", are
17 hereby repealed. All other laws, decrees, orders and rules and regulations contrary
18 to or inconsistent with the provisions of this Act are hereby repealed or amended
19 accordingly.

20 **SEC. 19. *Effectivity.*** – Notwithstanding the non-issuance of the implementing
21 rules and regulations, this Act shall take effect fifteen (15) days after its publication in
22 the *Official Gazette* or in a newspaper of general circulation.

Approved,