



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **2166**

EXPLANATORY NOTE

Since the creation of what is known as the Department of Education (DepEd), the procurement of textbooks for elementary and secondary public schools has been highly centralized and was entrusted to one single office, i.e. The Property and Procurement Division.

This highly centralized procurement of books has resulted in the delay of delivery of books to the provinces, cities or municipalities, particularly those in the far-flung areas. Also, there are reports that books and other educational materials were left stocked in warehouses to deteriorate instead of being used by our elementary and secondary students. Moreover, centralized procurement has resulted in the purchase of books not adaptable or suited to the region or province.

It must be stressed that a centralized procurement of textbooks and other educational materials is highly susceptible to abuse by scrupulous publishers. This in turn could result in a monopoly to the detriment of small and medium publishers particularly those in the regions, provinces, cities, or municipalities.

R.A. No. 8047 or the *Book Publishing Industry Development Act* was enacted on June 7, 1995. This law intended the provisions on the regionalization of the printing of public, elementary and secondary school textbooks. Unfortunately, eleven (11) years after the passage of the law, the DepEd failed to implement the same for reasons of lack of clear enabling law and mechanisms.

Along this light, this bill seeks among others to:

- a) Decentralize the textbook procurement program of the DepEd by creating a Division Textbook Procurement Services Unit (DTPSU) in all provincial and city division offices including those in the Autonomous Region In Muslim Mindanao (ARMM).
- b) Decentralize Textbook Printing

With the enactment of this bill the desired ratio of 1:1 or 1 book per student per subject area will be achieved, and that books as well as other required instructional materials would reach the elementary and secondary students on time.

Finally, with the immediate enactment of this bill, it is also hoped that the required textbooks would not only be delivered without delay but will likewise meet the standard of quality required and pertinent to each region.

In view thereof, approval of this bill is urgently sought.


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **2166**

AN ACT

DECENTRALIZING THE TEXTBOOK PROCUREMENT PROGRAM OF THE DEPARTMENT OF EDUCATION (DepEd) BY CREATING A DIVISION CALLED TEXTBOOK PROCUREMENT SERVICES UNIT (DTPSU) IN ALL PROVINCIAL AND CITY DIVISION OFFICES INCLUDING THOSE IN THE AUTONOMOUS REGION IN MUSLIM MINDANAO (ARMM) REPEALING FOR THE PURPOSE SECTION 10 OF R.A. NO. 8047 OTHERWISE KNOWN AS THE BOOK PUBLISHING INDUSTRY DEVELOPMENT ACT

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

SECTION 1. *Decentralization of the Textbook Procurement Program.* - The Textbook Procurement Program of the Department of Education (DepED) shall be decentralized by establishing Division Textbook Procurement Services Unit (DTPSU) in every provincial and/or city division office of the department including those in the Autonomous Region in Muslim Mindanao (ARMM).

SEC. 2. *Pre-Procurement Procedures* - Textbook Development, Evaluation and Selection.

The Offices/Bureaus concerned shall exercise the following duties and responsibilities:

A. The Bureau Of Elementary and Secondary Education, (BEE/BSE) shall, in coordination and with the assistance of the National Book Development Board (NBDB) and the IMCS, perform the following:

- i. Preparation of the minimum learning competencies and writing briefs;
- ii. The BEE shall prepare the Philippine Elementary Learning Competencies (PELC) and the Philippine Secondary School Learning Competencies (PSSLC); and
- iii. The NBDB/IMCS shall disseminate copies of the PELC and PSSLC to all provincial and city division offices, as well as to publishers/companies duly registered with that agency.

B. The Provincial/City Division Offices shall undertake the following:

- a. Guided by the PELC/PSSLC, evaluate and select the most adequate and relevant textbooks among those submitted by interested publishers/companies;
- b. Dissemination to each school of the list of duly evaluated textbooks and instructional materials from among which the end-user school may select the titles to be requisitioned;

- c. Provision of funds for the purpose and effect payment of textbooks and other books procured.

SEC. 3. *The Procurement Procedures.* - The Provincial Division Offices (PDOs) and/or City Division Offices CDOs through the respective DTPSUs shall:

- i. Gather Requisition and Issue Slips (RIS) from the schools and consolidated the titles needed;
- ii. Preparation of purchase orders to effect the procurement of the titles mostly requested/requisitioned by District Supervisors or School Heads.
- iii. Accomplishment of the Purchase Order (PO) up to availability of funds.
- iv. Preparation of allocation and assistance in the delivery of the textbooks to schools.

SEC. 4. *Decentralization of Textbook Printing.* - The printing of public elementary and secondary textbooks shall be done on a regional basis and whenever economically feasible by congressional district or province.

SEC. 5. *Multiple Adoption.* - The DepEd shall ensure that the policy of multiple adoption of textbooks be implemented to encourage the free flow of information and the deregulation of book publishing.

SEC. 6. *Composition of the DTPSU.* - The DTPSU shall be headed by the Schools Division Superintendent (SDS) or his/her authorized representative with the following as members; Supply Officer, Area Supervisor Concerned, Fiscal/Finance Chief, Representative District Supervisor or Head of biggest school.

SEC. 7. *Appropriations.* - The Secretary of Education and the Regional Secretary of Education of the ARMM shall immediately include in their respective agency's programs the establishment and operation of the DTPSUs, the initial funding of which shall be charged against their current year's appropriations and thereafter in the annual General Appropriations Act.

Likewise, the Secretary of Education and the Secretary of the ARMM shall include in their respective agency's Annual Budget Appropriations the amount for the procurement of textbooks and other instructional materials based on the annual textbook procurement program/s submitted by each division.

SEC. 8. *Function of the Office of the Secretary of the DepEd.* - The Office of the Secretary of the DepEd shall monitor the operation of the DTPSUs with respect to the quality of services of participating private publishers as well as the utilization of funds allocated to the respective DTPSUs.

SEC. 9. *Functions of the Regional Office and the Office of the Secretary of DepEd.* -

- A. The Regional Office shall see to it that there is equality in the implementation of education for all through the proper distribution and utilization of textbooks in schools.
- B. The Office of the Secretary shall:

- a. Work for the inclusion of appropriations for textbooks and other instructional materials in the General Appropriations Act (GAA) and their release to Division Office concerned.
- b. Monitor the submission of liquidation reports for amounts spent for textbooks.

SEC. 10. *Penal Clause.* Any person who willfully violates or cause the violation of any provision of this Act shall, upon conviction, be penalized with a fine of Twenty thousand pesos (P20,000.00) and/or imprisonment of not less than three months but not more than one year or both depending upon the discretion of the court.

SEC. 11. *Separability Clause.* If any provision, or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 12. *Repealing Clause.* Section of 10 R.A. No. 8047, otherwise known as the “*Book Publishing Industry Development Act*” is hereby repealed. All other laws, decrees, rules, regulatory and other administrative issuances or provisions thereof, which are contrary to or inconsistent herewith are hereby repealed or modified accordingly.

SEC. 13. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,