

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5178



Introduced by: Hon. Keith Micah "Atty. Mike" D.L. Tan

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"

EXPLANATORY NOTE

The Federation of Associations of Private Schools and Administrators (FAPSA) has proposed the creation of a body that would oversee and address the problem of all private learning institutions in the country.

Eleazardo Kasilag, FAPSA President, explained that the Department of Education is focused heavily on the public schools, hence, giving the private schools only limited time to attend to their immediate concerns.

Presently, the DepEd only assigns one supervisor to oversee all the private schools in a division. Only one supervisor representing private schools is tasked to attend to other assignments like scouting, nutrition, and one academic subject among others.

In the National Capital Region alone, there are 16 Schools Divisions with only 16 supervisors to oversee 516 public elementary and 456 public junior and senior high schools. In addition to that, there are also 1,982 private pre-schools, 2,122 private elementary schools, 965 private junior high schools and 721 private senior high schools serving more than 2.8 million children in the region which are also under their supervision.

This bill seeks to establish a Bureau of Private Schools under the DepEd in full recognition of the vital role that the private education sector plays in the

Philippine education system and to oversee and address the problems and concerns of private schools throughout the country.

It is hoped that through this initiative, the private education in the country will be strengthened to become partners of the government in nation building through the promotion of accessible, affordable, and quality education for all the Filipino youth.

In view thereof, early approval of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'Mike Tan', with a stylized flourish at the end.

Keith Micah "Atty. Mike" D.L. Tan
4th District, Quezon

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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 “Private Basic Education Vouchers Assistance Act”.

SEC. 2. *Declaration of Policy.* – It is the declared policy of the State to protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all. As part of its mandate, it is the State’s policy to establish and maintain a system of scholarship grants, subsidies, and other incentives which shall be available to deserving students, as determined by the guidelines, in both public and private schools, especially to the underprivileged. Likewise, the State 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.

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

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

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

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

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

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

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

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

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

SEC. 6. *Quality Assurance.* – The DepEd shall establish, operate and maintain a system and mechanism for monitoring program outcomes to ensure

accountability of participating recognized private basic educational institutions. This covers the following areas:

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

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

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

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

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

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

- (a) In-service training fund for teachers in private basic education schools;
- (b) Scholarships for qualified private basic education teachers enrolled in quality graduate programs; and
- (c) Participation in government-funded in-service training for basic education teachers.

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

- (a) Institutional Development;
- (b) Organizational Development;
- (c) Human Resource Development;
- (d) Curriculum and Instructional Development;
- (e) Research and Planning; and
- (f) Facilities and School Improvement.

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

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

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

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

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

SEC. 9. In-Service Training Fund or Inset Fund. – For the purpose of improving the quality of teaching in private basic education, there is hereby

established in the DepEd an Inset Fund to provide for training programs for the upgrading of knowledge and teaching competencies in critical subject areas and for the modernization of teaching techniques and strategies, including training on the use of computers and of other multi-media educational technologies to assist instruction: *Provided*, That the amount of Inset Fund available to private basic education shall not exceed that available to public basic education as per capita basis: *Provided, further*, That the training programs shall be approved by the DepEd.

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

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

It shall have the following powers and functions:

- (a) Monitor and assess the implementation of the private basic education institutions of the policies, plans, and programs established by the DepEd as recommended by BPE;
- (b) Set and enforce minimum standards for programs and institutions of learning, subject to public hearing;
- (c) Ensure that the activities, efforts, and performance of private basic education institutions shall meet the high standards of excellence and accountability;
- (d) Administer and implement the policies and programs related to the assistance and subsidies given by the government to students, teachers, and schools in private education;
- (e) Establish and support partnerships with individual private education institutions to respond effectively to the pressing needs of students and teachers, and to provide learning solutions to underserved communities;

- (f) Monitor and ensure compliance of private basic education institutions to the promulgated rules and regulations of the DepEd in all matters concerning private schools, including tuition fee increases; and
- (g) Such other powers and functions as may be necessary for the effective and efficient implementation of this Act.

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

The BEAC shall be composed of the Secretary of the DepEd, as Chairperson, and the Secretary of the National Economic and Development Authority (NEDA) and the Secretary of the DBM, as members.

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

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

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

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

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

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

SEC. 15. *Transitory Provision.* – Subject to the availability of funds, the implementation of the provisions stipulated in this Act for the kindergarten and

elementary levels shall gradually commence in school year 2026-2027, as may be determined by the DepEd.

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

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

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

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

Approved,