



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5579



Introduced by **REPRESENTATIVE CHEENO MIGUEL D. ALMARIO**

EXPLANATORY NOTE

Article 28 of the Universal Declaration of Human Rights states that everyone has the right to a free and compulsory elementary education, with technical, professional and higher education equally accessible to all on the basis of merit. This human right is also enshrined in Article XIV of the 1987 Philippine Constitution which states that the State shall 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.

Recent data suggests that the government failed to protect this basic human right. Access to free and quality education is almost impossible with the current state of public education system in the Philippines. The lack of classrooms, public school teachers, and teaching materials, are some of the greatest challenges facing the education sector today. According to the current secretary of Department of Education, there is an approximately 165,000 classroom shortage today. With the bureaucratic process today, it would take 55 years to build sufficient classrooms.

The lack of classrooms in public school setting has an adverse effect on a pupil's ability to learn. The current ratio of teacher to students is not productive. In effect, the Philippines rank 2nd to worst in reading comprehension and math skills amongst its Southeast Asian neighbors. This illiteracy problem also costs the Philippine economy P258 billion per year.¹ This is because the illiterate population

¹ <https://www.philstar.com/headlines/2023/04/03/2256606/new-report-shows-drastic-economic-impact-illiteracy-philippines>

struggle to find opportunities to increase their earnings due to the absence of basic literacy skills needed for vocational education or training. People struggling to read and write can also miss out on "wealth creation" opportunities due to the comprehension skills required of individuals applying for a loan or investments in various financial instruments. This literally translates to the common Filipino phrase "Ang mahirap ay lalong naghihirap".

In order to solve this drastic problem, a drastic measure is being sought. This bill aims to provide the President of the Philippines emergency powers to build classrooms to address the current shortage. Hence, the passage of this bill is earnestly sought.



HON. CHEENO MIGUEL D. ALMARIO
Representative, 2nd District of Davao Oriental



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Introduced by REPRESENTATIVE CHEENO MIGUEL D. ALMARIO

AN ACT
GRANTING THE PRESIDENT OF THE REPUBLIC OF THE
PHILIPPINES EMERGENCY POWERS TO EXPEDITE THE
CONSTRUCTION, REHABILITATION, AND REPAIR OF
CLASSROOMS NATIONWIDE, PROVIDING FOR SPECIAL
PROCUREMENT MEASURES, 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 “Emergency Classroom Building Act.”

SEC. 2. *State of National Emergency.* – The State recognizes that the Philippines is facing an unprecedented education crisis arising from persistently poor learning outcomes and the severe shortage of classrooms nationwide.

In the 2018 Programme for International Student Assessment (PISA) conducted by the Organization for Economic Co-operation and Development (OECD) among 79 participating countries, the Philippines ranked among the lowest globally. Similarly, in the 2019 Trends in International Mathematics and Science Study (TIMSS), the nation scored 297 in Mathematics and 249 in science, the lowest among 58 participating

countries. These international findings are further corroborated by the results of the National Achievement Test (NAT) for Grade 6 (SY 2020-2021), with students exhibiting near proficiency in Filipino and low proficiency in other key learning areas such as Mathematics, Science, and English.

Aggravating the learning crisis is the severe shortage of classrooms nationwide. Based on data from the Department of Education (DepEd) and the Second Congressional Commission on Education (EDCOM II), the nation currently lacks around 165,000 classrooms, leaving an estimated 5.1 million students classified as “aisle learners,” or those forced to study in overcrowded classrooms far beyond their intended capacity. At the present pace of construction, it would take 30 to 55 years to fully resolve this backlog.

Studies consistently prove that adequate, safe, and conducive classrooms are critical to effective teaching and learning, with research showing that proper classroom design, reduced class sizes, and improved facilities directly enhance academic performance, learner engagement, and overall well-being. Without immediate intervention, the classroom shortage will further compound learning loss, deepen educational inequity, undermine human capital development, and jeopardize the nation’s long-term competitiveness.

Accordingly, a state of national emergency is hereby declared due to the magnitude and urgency of the classroom shortage and its direct impact on the quality of education.

SEC. 3. *Declaration of Policy.* – It is the policy of the State to protect and promote the right of all citizens to quality education at all levels and to take appropriate steps to make such education accessible to all. Cognizant of the critical role that adequate, safe, and functional school infrastructure plays in ensuring the effective delivery of basic education, the State hereby recognizes the urgent necessity of adopting extraordinary,

immediate, and comprehensive measures to address the longstanding and worsening classroom backlog nationwide.

Towards this end, the President shall be granted emergency powers to adopt innovative, flexible, and results-oriented approaches in the planning, procurement, and implementation of school infrastructure projects, free from undue bureaucratic constraints and existing procedural limitations, provided that the exercise of such powers shall be strictly confined to measures necessary to ensure the timely and efficient completion of classrooms, with due regard to transparency, accountability, fiscal responsibility, and faithful adherence to the Constitution and principles of good governance.

SEC. 4. *Authorized Powers.* – Pursuant to Article VI, Section 23 (2) of the Constitution, the President is hereby authorized to exercise powers that are necessary and proper to carry out the declared national policy. The President shall have the power to adopt the following temporary emergency measures to ensure the timely delivery of safe, adequate, and quality school infrastructure:

- a. Establish and employ the most expedient, efficient, and practicable modes of procurement for the construction, rehabilitation, and repair of classrooms nationwide, notwithstanding the procedures and requirements prescribed under existing laws, rules, and regulations;
- b. Directly negotiate and enter into contracts with suppliers, contractors, or project implementers who have been duly determined to possess the proven technical, financial, and legal capacity to deliver safe, adequate, and quality classrooms within the shortest possible time and at a just and reasonable cost;
- c. Reallocate and realign funds from any available appropriations, savings, or special purpose funds of the National Government to finance the

construction, rehabilitation, and repair of classrooms, subject to constitutional limitations and applicable auditing rules and regulations;

- d. Create and constitute a task force which shall be composed of representatives from the Department of Education (DepEd), Department of Public Works and Highways (DPWH), Department of Budget and Management (DBM), Department of Economy, Planning and Development (DEPDev), Commission on Audit (COA), and such other agencies as the President may deem necessary, to oversee, coordinate, and ensure the efficient, transparent, and accountable implementation of the programs and projects authorized under this Act.

SEC. 5. *Exemption from Republic Act No. 12009.* – The procurement for the construction, rehabilitation, or repair of classrooms under this Act shall be exempt from the provisions of Republic Act No. 12009, or the “New Government Procurement Act.” However, the President shall ensure that due diligence and price reasonableness are strictly observed, that only suppliers and contractors with proven technical, financial, and legal capacity are engaged, and that adequate measures are instituted to safeguard public funds and prevent any form of corruption, abuse, or misuse of authority.

SEC. 6. *Reports to Congress and Creation of an Oversight Committee.* – The President, within ten (10) days from the issuance of any of the executive acts, order, rules, and regulations promulgated and issued under the powers herein granted shall report to Congress the issuance thereof and the justification therefor: Provided, That within the first ten (10) days of every month, the President shall likewise submit a monthly report to Congress of all acts performed, including all the contracts entered into under this Act, the contract price, amounts disbursed, and the status of classroom projects.

For this purpose, the Congress shall establish a Joint Congressional Oversight Committee composed of five (5) members, each from the Senate and the House of Representatives, with the Chairperson on Basic Education of both Houses as Co-Chairperson. The President of the Senate and the Speaker of the House of Representatives shall designate the other members of the JCOC, one (1) member of which shall be from the minority.

SEC. 7. Penalties. — In addition to acts or omissions already penalized by existing laws, the following offenses shall be punished either with a fine or imprisonment, or both, at the discretion of the court, as follows:

For Private Contracted Entities:

OFFENSE	PERSON/S INVOLVED	FINE	IMPRISONMENT AND OTHER PENALTIES
(a) Refusing or failing to post the performance security within the prescribed time.	Corporation	Not less than two hundred thousand pesos (200,000.00) and not more than eight hundred thousand pesos (800,000.00)	Suspension for two (2) years from acquiring or bidding other government projects.
	Individual	Not less than one hundred thousand pesos (100,000.00) and not more than five hundred thousand pesos (500,000.00)	Imprisonment for not less than one (1) month and one (1) day but not more than two (2) months

(b) Refusing or failing to enter into contract, without justifiable cause, after the same has been agreed upon by the contracting party and the President or his task force	Corporation	Not less than one hundred thousand pesos (100,000.00) and not more than five hundred thousand pesos (500,000.00)	Suspension for two (2) years from acquiring or bidding other government projects
	Individual	Not less than two hundred thousand pesos (200,000.00) but not more than one million pesos (1,000,000.00)	Imprisonment for not less than two (2) months and one (1) day but not more than six (6) months
(c) Causing the delay, without justifiable cause, of the delivery of the classrooms	Corporation	Not less than one million pesos (1,000,000.00) but not more than five million pesos (5,000,000.00)	Blacklisted from acquiring or bidding other government projects
	Individual	Not less than five hundred thousand pesos, but not more than two million pesos (2,000,000.00)	Imprisonment for not less than six (6) months and one (1) day, but not more than two (2) years and four (4) months

(d) Delivering classrooms of unsatisfactory or inferior quality as may be provided in the contract	Corporation	Not less than two million pesos (2,000,000.00) but not more than ten million pesos (10,000,000.00)	Blacklisted from acquiring or bidding other government projects
	Individual	Not less than one million pesos (1,000,000.00), but not more than five million pesos (5,000,000.00)	Imprisonment for not less than six (6) months and one (1) day, but not more than six (6) years
(e) Rendering poor performance or unsatisfactory quality and/or progress of work by the contracted entity. Poor performance shall be as follows:	Corporation	Not less than two million pesos (2,000,000.00) but not more than ten million pesos (10,000,000.00)	Blacklisted from acquiring or bidding other government projects
(1) Defective design resulting in substantial corrective works in design and/or construction, rehabilitation, or repair; (2) Failure to deliver critical output due; (3) Using	Individual	Not less than one million pesos (1,000,000.00), but not more than five million pesos (5,000,000.00)	Blacklisted from acquiring or bidding other government projects

materials which are inappropriate, substandard, or way above acceptable standards causing inflation in the price; (4) Defective workmanship or works; (5) Negative slippage of the project due entirely to the fault or negligence of the contracted entity			
(f) Using force, fraudulent machinations, coercion, undue influence, or pressure upon the President or his task force in order to acquire the contract	Corporation	Not less than ten million pesos (10,000,000.00) but not more than twenty million pesos (20,000,000.00)	Perpetual disqualification from acquiring or bidding other government projects

	Individual	Not less than five million pesos (5,000,000.00), but not more than ten million pesos (10,000,000.00)	Imprisonment for not less than six (6) years and one (1) day, but not more than twelve (12) years
(g) Using the name of another for purposes of contracting	Corporation	Not less than two million pesos (2,000,000.00) but not more than ten million pesos (10,000,000.00)	Blacklisted from acquiring or bidding other government projects
	Individual	Not less than one million pesos (1,000,000.00), but not more than five million pesos (5,000,000.00)	Imprisonment for not less than six (6) months and one (1) day, but not more than six (6) years

(h) Submitting eligibility requirements containing false information or falsified documents or the concealment of such information that will materially alter the outcome of eligibility screening	Corporation	Not less than ten million pesos (10,000,000.00) but not more than twenty million pesos (20,000,000.00)	Blacklisted from acquiring or bidding other government projects
	Individual	Not less than five million pesos (5,000,000.00), but not more than ten million pesos (10,000,000.00)	Imprisonment for not less than six (6) years and one (1) day, but not more than twelve (12) years

(i) Submission of beneficial ownership Information containing false entries	Corporation	Not less than ten million pesos (10,000,000.00) but not more than twenty million pesos (20,000,000.00)	Perpetual disqualification from acquiring or bidding other government projects
	Individual	Not less than five million pesos (5,000,000.00), but not more than ten million pesos (10,000,000.00)	Imprisonment for not less than six (6) years and one (1) day, but not more than twelve (12) years
(j) Failing to faithfully disclose its relationship, regardless of the time of discovery, with the President or the members of his task force, or any elected or appointed government official by consanguinity	Corporation	Not less than ten million pesos (10,000,000.00) but not more than twenty million pesos (20,000,000.00)	Perpetual disqualification from acquiring or bidding other government projects

or affinity up to the third civil degree			
	Individual	Not less than five million pesos (5,000,000.00), but not more than ten million pesos (10,000,000.00)	Imprisonment for not less than six (6) years and one (1) day, but not more than twelve (12) years
(k) Terminating the contract due to the default or unlawful acts of the contracted entity	Corporation	Not less than two million pesos (2,000,000.00) but not more than ten million pesos (10,000,000.00)	Blacklisted from acquiring or bidding other government projects.

	Individual	Not less than one million pesos (1,000,000.00), but not more than five million pesos (5,000,000.00)	Imprisonment for not less than six (6) months and one (1) day, but not more than six (6) years
(l) Engaging in any documented unsolicited attempt to unduly influence the decision of the President or his task force	Corporation	Not less than ten million pesos (10,000,000.00) but not more than twenty million pesos (20,000,000.00)	Perpetual disqualification from acquiring or bidding other government projects
	Individual	Not less than five million pesos (5,000,000.00), but not more than ten million pesos (10,000,000.00)	Imprisonment for not less than six (6) years and one (1) day, but not more than twelve (12) years

	Corporation	Not less than two million pesos (2,000,000.00) but not more than ten million pesos (10,000,000.00)	Blacklisted from acquiring or bidding other government projects
	Individual	Not less than one million pesos (1,000,000.00), but not more than five million pesos (5,000,000.00)	Imprisonment for not less than six (6) months and one (1) day, but not more than six (6) years
	Corporation	Not less than two million pesos (2,000,000.00) but not more than ten million pesos (10,000,000.00)	Blacklisted from acquiring or bidding other government projects

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	Individual	Not less than one million pesos (1,000,000.00), but not more than five million pesos (5,000,000.00)	Imprisonment for not less than six (6) months and one (1) day, but not more than six (6) years
(m) Assigning or subcontracting the contract or any part thereof, or substituting key personnel named in the contract without prior written approval by the President or his task force	Corporation	Not less than two million pesos (2,000,000.00) but not more than ten million pesos (10,000,000.00)	Blacklisted from acquiring or bidding other government projects

	Individual	Not less than one million pesos (1,000,000.00), but not more than five million pesos (5,000,000.00)	Imprisonment for not less than six (6) months and one (1) day, but not more than six (6) years
(n) Willful or deliberate abandonment or non-performance of the contract, resulting in substantial breach thereof without lawful and/or just cause	Corporation	Not less than two million pesos (2,000,000.00) but not more than ten million pesos (10,000,000.00)	Blacklisted from acquiring or bidding other government projects
	Individual	Not less than one million pesos (1,000,000.00), but not more than five million pesos (5,000,000.00)	Imprisonment for not less than six (6) months and one (1) day, but not more than six (6) years

Moreover, the performance security posted by the contracted entity shall be forfeited in favor of the Government, and the contracted entity may be blacklisted and disqualified from participating in any and all future government procurement activities.

For Public Officials and Employees:

OFFENSE	FINE	IMPRISONMENT AND OTHER PENALTIES
(a) Recommending suppliers, contractors, or project implementers while having the knowledge that it has previously engaged in unlawful deeds and behaviors relative to contract acquisition and implementation	Not less than one hundred thousand pesos (100,000.00) and not more than five hundred thousand pesos (500,000.00)	Imprisonment for not less than six months and one day but not more than two years
(b) Commission of any corrupt practice as defined under Section 3 of R.A. 3019 or the "Anti-Graft and Corrupt Practices Act" in relation to awarding of contracts under this Act	Not less than two hundred thousand pesos (200,000.00) but not more than one million pesos (1,000,000.00)	Imprisonment for not less than six years and one month nor more than fifteen years, and dismissal from the public post and perpetual disqualification from public office

All wealth, proceeds, and gains derived or obtained from the commission of any of the aforementioned punishable acts shall be subject to forfeiture and confiscation in favor of the Government.

SEC. 8. *Construction and Interpretation.* – Nothing herein shall be construed as an impairment, restriction, or modification of the provisions of the Constitution. In case the exercise of the powers herein granted conflicts with other statutes, orders, rules or regulations, the provisions of this Act shall prevail.

SEC. 9. *Separability Clause.* – If any provision of this Act is declared unconstitutional or invalid, the other sections or provisions not otherwise affected shall continue to be in full force and effect.

SEC. 10. *Repealing clause.* — All laws, executive orders, decrees, instructions, rules and regulations contrary to or inconsistent with any provision of this Act are hereby amended, repealed or modified accordingly.

SEC. 11. *Effectivity Clause.* — This Act shall take effect immediately upon its publication in two (2) newspapers of general circulation or in the Official Gazette, and shall be in full force and effect for only two (2) years or until the required classrooms have been completed, whichever is earlier: Provided, that the powers granted under this Act may be withdrawn sooner by means of a concurrent resolution of Congress.

Approved,