



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



TWENTIETH CONGRESS
First Regular Session
HOUSE BILL NO. 5596

Introduced by Representative Howard A. Guintu

EXPLANATORY NOTE

Section 1, Article XIV of the 1987 Constitution provides 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.

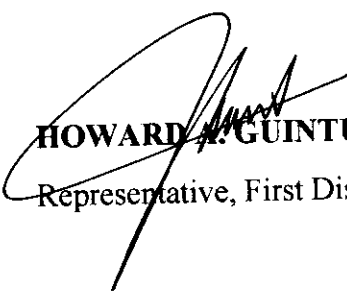
The Second Congressional Commission on Education has reported that the current classroom shortage in the Philippines has reached 165,000. Unfortunately, this deficit has compelled many schools to implement shifting class schedules, and classrooms are being utilized beyond their intended capacity to accommodate all learners. This situation has inevitably led to overcrowded, uncomfortable, and uncondusive learning environments for our students.

At present, the Department of Public Works and Highways (DPWH) and the Department of Education (DepEd) serve as the primary national agencies responsible for the construction of classrooms. However, we have observed that these agencies alone cannot fully address the magnitude of the classroom shortage across the country. There is a pressing need to empower and enable the participation of the private sector and local government units to complement and support the mandates of the DPWH and DepEd in expanding classroom infrastructure nationwide.

This proposed measure seeks to establish the Classroom-Building Acceleration Program, which aims to empower and authorize qualified local government units and private sector partners to propose, plan, and access government funding for the construction of classrooms in public schools.

With the passage of this proposed measure, we shall ensure that all stakeholders are empowered to actively participate in the construction of classrooms. In doing so, we adopt a whole-of-nation approach in addressing the existing classroom backlog – one that harnesses the collective efforts of the national government, local government units, and the private sector toward providing every learner with a conducive and adequate learning environment.

In view of the foregoing, the passage of this measure is earnestly sought.



HOWARD A. GUINTU

Representative, First District of Capiz



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AN ACT
ESTABLISHING THE CLASSROOM-BUILDING ACCELERATION PROGRAM (CAP), AUTHORIZING LOCAL GOVERNMENT UNITS AND PRIVATE SECTOR ENTITIES TO UNDERTAKE CLASSROOM CONSTRUCTION PROJECTS, AND APPROPRIATING FUNDS THEREFOR

Section 1. *Short Title.* - This Act shall be known as the "*Classroom-Building Acceleration Program (CAP) Act*"

Sec. 2. *Declaration of Policy.* - It is the policy of the State to promote quality education through adequate and accessible public school facilities. In recognition of the persistent classroom backlog across the country, the State shall adopt a whole-of-nation approach by enabling local government units (LGUs) and the private sector to actively participate in the construction of school buildings, in coordination with the Department of Education (DepEd), and supported by national government funding, private sector participation, and technical assistance.

Sec. 3. *Creation of the Classroom-Building Acceleration Program (CAP).* - There is hereby established a Classroom-Building Acceleration Program (CAP), which shall enable and authorize qualified LGUs and private sector entities to propose, plan, and access corresponding government funds for the implementation of classroom construction projects in public schools within their respective jurisdictions, in accordance with national standards and in coordination with DepEd.

Sec. 4. *Eligibility of Local Government Units and Private Sector Entities.* - LGUs and private sector entities may participate in the CAP if they meet at least one of the following criteria:

- a) Demonstrated technical capacity to implement infrastructure projects;
- b) Willingness to undergo technical assistance and capacity-building support; or
- c) Proven track record in the successful implementation of infrastructure or education-related projects, as may be determined by the Department of Education and relevant oversight agencies. LGUs and private sector entities shall submit project proposals, including cost estimates, site plans, implementation timelines, and compliance with DepEd classroom design standards.

Sec. 5. Program Management. -The Department of Education shall serve as the lead implementing agency of the CAP. A CAP Secretariat shall be established within the DepEd Central Office to coordinate with stakeholders and to evaluate proposals, recommend funding allocations, and monitor implementation.

Sec. 6. Funding Sources. - Funds for the implementation of classroom projects under the CAP shall be drawn from:

- a) The annual appropriations of DepEd for Basic Education Facilities;
- b) Other national government sources, subject to budgetary rules;
- c.) Contributions from the private sector through corporate donations, foundations, or Public-Private Partnership (PPP) modalities. *Provided, That the CAP may also accept official development assistance (ODA) and other international grants and donations, subject to existing laws.*

Sec. 7. Downloading of Funds. - Funds approved under the CAP may be released directly to LGUs and private entities upon compliance with documentary requirements and submission of approved project proposals. The use of funds shall be subject to 1 auditing rules of the Commission on Audit (COA) and guidelines to be issued by DepEd and the Department of Budget and Management (DBM).

Sec. 8. Public-Private Partnerships. - LGUs may implement classroom construction projects under the CAP through PPP arrangements in accordance with the PPP Code of the Philippines or other applicable laws, rules, and regulations. Technical assistance may be provided to LGUs to develop and manage PPPs for education infrastructure.

Sec. 9. Capacity Building and Technical Assistance. - DepEd, in coordination with DILG, shall design and implement a capacity-building program for LGUs and private sector entities to:

- a) Ensure compliance with DepEd's classroom design standards;
- b) Strengthen planning, procurement, and project management capabilities;

c) Enable LGUs and private sector entities to pursue PPPs for classroom building projects.

Sec. 10. *Monitoring and Reporting.* - All LGU-implemented projects under the CAP shall be subject to regular monitoring and evaluation. LGUs shall submit quarterly progress reports to DepEd. A consolidated national report shall be submitted annually by DepEd to Congress.

Sec. 11. *Appropriations.* - The amount necessary to implement the initial phase of the CAP shall be charged against the current appropriations of the DepEd. Thereafter, such sums as may be necessary for the continued implementation of the program shall be included in the annual General Appropriations Act (GAA).

Sec. 12. *Implementing Rules and Regulations.* - Within ninety (90) days from the effectivity of this Act, DepEd, in coordination with DILG, DBM, and DPWH, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

Sec. 13. *Separability Clause.* - If any provision of this Act is declared unconstitutional or invalid, the remaining provisions not affected shall continue to be in full force and effect.

Sec. 14. *Repealing Clause.* - All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

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

Approved,