



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



TWENTIETH CONGRESS

First Regular Session

House Bill No. 7382

Introduced by REPRESENTATIVE GERALD CLOYD ALEXIS V. GALANG

EXPLANATORY NOTE

The 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 - by ensuring that every Filipino learner has access to safe and conducive learning spaces.

In an interview, none other than Department of Education (DepEd) Secretary Juan Edgardo "Sonny" Angara, admitted that the Philippines is facing a massive classroom backlog of 165,000, a crisis that may take more than half a century to resolve if the government sticks to its current pace of construction. The shortage stems from a combination of factors: rapid population growth, aging infrastructure, calamities that destroy school buildings, and decades-long underinvestment in basic education facilities.

Further, according to the Second Congressional Commission on Education (EDCOM 2), a government body tasked to supervise the entire education sector, the classroom backlog contributes to large class sizes, double or even triple shifts, and diminished learning outcomes for millions of Filipino learners.

This measure responds directly to this call to action by establishing the Classroom-Building Acceleration Program (CAP), a mechanism that enables capable local government units (LGUs) and private sector entities to actively participate in the construction of classrooms in public schools within their jurisdictions.

While the Department of Education (DepEd) and the Department of Public Works and Highways (DPWH) remain the primary national agencies responsible for education infrastructure, they cannot address the classroom backlog alone. By authorizing and equipping LGUs and the private sector to build classrooms in compliance with national standards and guidelines, this measure aims to expand the government's delivery capacity and promote more responsive, locally-driven solutions to the classroom shortage.

Under the proposed measure, LGUs and NGOs with a proven track record will be authorized to construct classrooms using national government funds, in compliance with the Department of Education's (DepEd) standards and guidelines.

Finally, this proposed measure will help close the gap and eventually end the massive 165,000-classroom backlog in public schools and promote transparency and accountability in classroom construction.

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


GERALD GALANG
2nd Legislative District, City of Valenzuela



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Introduced by **REPRESENTATIVE GERALD CLOYD ALEXIS V. GALANG**

AN ACT
ESTABLISHING THE CLASSROOM-BUILDING ACCELERATION PROGRAM (CAP) UNDER THE DEPARTMENT OF EDUCATION, AUTHORIZING LOCAL GOVERNMENT UNITS AND CIVIL SOCIETY ORGANIZATIONS TO UNDERTAKE CLASSROOM CONSTRUCTION PROJECTS

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 "Classroom-Building Acceleration Program (CAP) Act. "

SEC. 2. Declaration of Policy. - It is the policy of the State to promote quality education through the provision of adequate, resilient, and accessible public-school facilities for basic education learners. Recognizing critical shortage of classrooms across the country that hampers the effective delivery of education and the well-being of learners, the State shall adopt urgent and necessary measures, including time-bound and innovative approaches, to accelerate the construction of classrooms nationwide.

Towards this end, the State shall adopt a whole-of-nation approach by establishing a program in the Department of Education (DepEd) to enable the participation of local government units (LGUs) and civil society organizations (CSOs) in the timely construction of public basic education school buildings, funded by the national government, subject to safeguards to ensure transparency, accountability, and adherence to education and construction standards.

SEC. 3. Definition of Terms. - As used in this Act:

- (a) *Category B* - refers to classroom buildings designed to withstand a wind load of up to two hundred seventy kilometers per hour (270 kph);
- (b) *Category D* - refers to classroom buildings designed to withstand a wind load of up to three hundred forty kilometers per hour (340 kph);
- (c) *Civil Society Organization (CSO)* - refers to a non-state, non-profit association that works to improve society and the human condition. The basic types of which, include non-governmental organizations, civic organizations, cooperatives, social movements, professional groups, and business groups;
- (d) *Classroom* - refers to a learning space, unit, or facility in a public basic education school designed, built, or refurbished in accordance with DepEd standards and specifications, including those for safety, climate resilience, disaster preparedness, inclusive education, and alternative learning systems;
- (e) *Local Government Unit (LGU)* - refers to a province, city, municipality, or barangay as defined under Republic Act No. 7160, or the Local Government

Code of 1991, that may serve as a proponent or partner in the implementation of CAP projects; and

- (f) *Public Basic Education Schools* - refer to schools that provide kindergarten, elementary, and secondary education under the supervision and regulation of the DepEd.

SEC. 4. *Establishment of the Classroom-Building Acceleration Program.* - There is hereby established a Classroom-Building Acceleration Program (CAP) under the Department of Education (DepEd), which shall authorize qualified LGUs and CSOs to propose and implement classroom construction projects in public basic education schools, utilizing national government funds, without prejudice to other modalities that the DepEd may adopt to address the classroom backlog.

SEC. 5. *Qualifying Criteria for CAP.* - The following shall qualify for classroom construction projects under the CAP:

- a) Classrooms for students from Kindergarten to Grade 3;
- b) Schools with classroom congestion and incidences of multiple shifts;
- c) Schools with classrooms that are condemned or require major repair;
- d) Schools located in high-risk or disaster-prone areas, such as those vulnerable to flooding, earthquakes, or other similar calamities, and those reliant on temporary learning spaces;
- e) Schools in low-income communities;
- f) Schools in Geographically Isolated and Disadvantaged Areas (GIDA); or
- g) Schools where classrooms are needed based on demographic and enrollment projections.

Provided, That the DepEd shall give priority to areas that have demonstrated readiness for classroom construction, including those with validated sites and have secured necessary permits and clearances.

The DepEd shall annually publish a list of classroom construction projects under the CAP, which shall serve as basis for the allocation of national funds and participation of LGUs and CSOs. The DepEd shall ensure that the CAP List is aligned with the priorities under the National School Building Program.

SEC. 6. *Eligibility of Proponents.* - LGUs and CSOs, acting either jointly or in their own capacities, may participate in the CAP by submitting their proposals to the DepEd. The DepEd may also solicit proposals from LGUs and CSOs.

The DepEd shall issue objective criteria and guidelines for determining eligibility of proponents, including but not limited to:

- a) demonstrated technical capacity to implement infrastructure projects; and
- b) a proven track record in the successful implementation of education-related or infrastructure projects.

CSO-led projects shall be undertaken in coordination with the LGU that has jurisdiction over the locality where the classroom shall be constructed, pursuant to the Local Government Code of 1991.

SEC. 7. *Submission and Review of Project Proposals.* - LGUs and CSOs that will undertake classroom construction projects under the CAP shall be subject to a verification process by the DepEd to confirm compliance with the eligibility requirements under Section 6 of this Act and to assess their technical, financial, and managerial capacity to implement such projects in accordance with the DepEd standards and governance policies.

Eligible proponents shall submit project proposals and other requirements, as determined by relevant guidelines issued by the DepEd.

Proposals shall be reviewed and evaluated by the Program Management Office, in accordance with the eligibility requirements and qualifying criteria set forth in this Act.

The DepEd may establish framework agreements or long-term service agreements with eligible proponents to streamline the proposal and approval process, and to promote sustainable, cost-effective, and timely project delivery.

SEC. 8. Program Management. – A Program Management Office (PMO) within the DepEd Central Office, headed by the DepEd Official in charge of infrastructure, shall review and approve project proposals, oversee implementation, and undertake monitoring and evaluation.

To ensure technical quality and efficiency, the DepEd may engage the services of architects, engineers, quantity surveyors, and project managers from the private sector or professional associations to provide technical support in project review, pre-qualification of project proponents, contract administration, and supervision of implementation.

SEC. 9. Standards for Classroom Building.– All classroom construction projects under the CAP shall conform to the DepEd's Minimum Performance Standards and Specifications (MPSS) issued by the DepEd for the design and construction of school buildings, which shall serve as baseline requirements for project planning, design, and delivery. Such standards and specifications shall ensure that classrooms and school buildings are equipped with necessary and appropriate provisions for electrification, digital connectivity, water, sanitation and hygiene facilities, among others.

The DepEd shall conduct a mandatory review and updating of the MPSS within the first year of implementation of this Act, and every three (3) years thereafter, to align with the latest building codes, and with the laws and requirements for climate resilience, disaster preparedness, and inclusive education.

For this purpose, the DepEd shall establish a Technical Working Group composed of designated representatives from recognized associations of architects, engineers, contractors, quantity surveyors, and other relevant professional or industry groups to assist in the review, updating, and enhancement of the MPSS.

SEC. 10. Funding Conditions and Classroom Cost Ceilings. – During the first year of implementation of the CAP, its funding shall be subject to the following cost ceilings:

Classroom Design	Price Ceiling (PHP)	Price Ceiling (PHP) / Classroom
1-storey, 1-classroom with toilet	1,800,000.00	1,800,000.00
1-storey, 5-classroom building, with toilet per floor (Category D)	8,500,000.00	1,700,000.00
1-storey, 5-classroom building, with toilet per floor (Category B)	8,300,000.00	1,660,000.00
2-storey, 10-classroom building, with toilet per floor (Category D)	21,000,000.00	2,100, 000.00
2-storey, 10-classroom building, with toilet per floor (Category B)	18,500,000.00	1,850,000.00
3-storey, 15-classroom building, with toilet per floor (Category D)	30,000,000.00	2,000,000.00
3-storey, 15-classroom building, with toilet per floor (Category B)	27,600,000.00	1,840,000.00
4-storey, 20-classroom building, with toilet per floor (Category D)	38,000,000.00	1,900,000.00
4-storey, 20-classroom building, with toilet per floor (Category B)	36,000,000.00	1,800,000.00

The prescribed cost ceilings may be adjusted, up to a maximum of twenty percent (20%), to account for regional differences in market prices, labor costs, transportation and logistics, site conditions, and other relevant factors, subject to prior approval by the DepEd.

The following conditions shall apply:

- a) The CAP shall be primarily funded through the national government allocation in the DepEd budget;
- b) Any cost beyond the national government allocation, or its DepEd-approved adjustment, shall be borne by the proponent through other funding sources, as may be allowed by existing laws and regulations;
- c) Any unutilized portion of the allocation may be used to support other classroom-related needs, such as furniture and fixtures, subject to proper reporting and accounting to the PMO;
- d) The DepEd shall annually review and update the roster of approved classroom designs and their corresponding cost ceilings, taking into account inflation, changes in construction material and labor costs, advancements in technology, innovative models, cost-efficient or accelerated construction methods, and other relevant factors, with assistance from the Technical Working Group (TWG) established under Section 9 of this Act; and
- e) Proponents may recommend variations to the DepEd-approved classroom designs, subject to the DepEd's approval: Provided, That such variations comply with the DepEd's MPSS: Provided, further, That the same cost ceilings and funding conditions prescribed under this Section shall apply.

SEC. 11. *Transparency and Accountability Mechanisms.*-

- a) *Regular reporting* - All CAP projects shall be subject to regular monitoring and evaluation by the DepEd. Participating LGUs and CSOs shall submit pertinent procurement and contract documents, as well as regular progress reports, to the DepEd. The DepEd shall prepare and submit an annual consolidated report on the implementation of the CAP to the Senate and the House of Representatives.
- b) *Public disclosure* - The DepEd shall annually publish the updated roster of approved classroom designs, their corresponding cost ceilings, and relevant technical specifications on its official website and other publicly accessible platforms to promote transparency and accountability.

The DepEd shall also publish and regularly update, on its official website and other national government portals as applicable, a list of all classroom construction projects implemented under the CAP, indicating the project location, proponent, design type, cost, implementation status, and completion rate for each project, as well as all procurement and contract implementation documents submitted by CAP proponents.

SEC. 12. *Direct Participation of CSOs.*- The Department of Budget and Management (DBM), the Government Procurement Policy Board (GPPB), and the Commission on Audit (COA), in consultation with the Department of Education, are hereby mandated to specifically formulate and adopt an alternative mode of procurement that will facilitate participation of CSOs as project proponents in the implementation of CAP.

COA shall also formulate and adopt simplified accounting, auditing, and liquidation rules and procedures applicable to CSO-implemented projects under this Act.

SEC. 13. *Joint Congressional Oversight Committee.* - The CAP Joint Congressional Oversight Committee (JCOC), which shall set the overall framework to review the implementation of this Act, is hereby created and shall be constituted upon the effectivity of this Act.

The CAP JCOC shall be composed of eight (8) members with the chairpersons of the Committee of Basic Education of the Senate and Committee of Basic Education and Culture of the House of Representatives as Co-Chairpersons; and three (3) members from each House, one (1) of whom shall come from the minority, to be designated by the Senate President and the Speaker of the House of Representatives, respectively. For purposes of determining remedial legislation, the CAP JCOC shall, within five (5) years after the effectivity of this Act, conduct a review which shall include a systematic evaluation of the accomplishments of the Program and the performance of its implementing agencies.

SEC. 14. *Sunset Provision.* - The CAP shall remain in effect until the national classroom backlog has been resolved, as certified by the DepEd and validated by Congress.

SEC. 15. *Appropriations.* - The amount necessary to implement this Act shall be charged against the DepEd's Basic Educational Facilities Fund (BEFF) as provided in the annual General Appropriations Act.

SEC. 16. *Implementing Rules and Institutional Oversight* - Within ninety (90) days from effectivity of this Act, the DepEd, in coordination with the Department of Budget and Management (DBM), Department of the Interior and Local Government (DILG), League of Municipalities of the Philippines (LMP), League of Cities of the Philippines (LCP), and other relevant government agencies and CSOs, shall formulate and issue the necessary rules and regulations to implement the provisions of this Act.

SEC. 17. *Separability Clause.* - If any provision of this Act is declared unconstitutional or invalid, the remaining provisions shall not be affected and shall remain in full force and effect.

SEC. 18. *Repealing Clause.* - All laws, presidential decrees, executive orders, letters of instruction, proclamations, or administrative orders, rules or regulations that are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 19. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,