

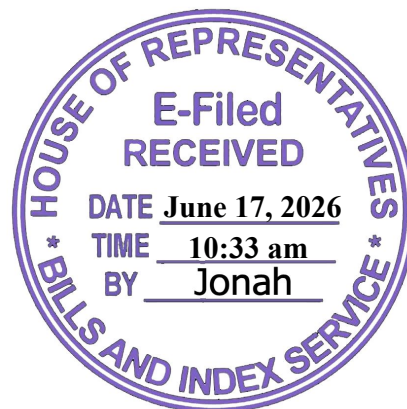


Republic of the Philippines
House of Representatives
Quezon City

TWENTIETH CONGRESS

First Regular Session

House Bill No. 9892



Introduced by Representative Jernie Jett V. Nisay

EXPLANATORY NOTE

The 1987 Constitution enshrines a myriad of policies that guide the State in promoting the welfare and development of the Filipino people. Among these are the duties of the State to inculcate in the youth patriotism and nationalism, encourage their involvement in public and civic affairs, foster appreciation of the nation's history and cultural heritage, preserve and enrich the Filipino national culture, and promote the nation's historical and cultural heritage and resources as well as artistic creations.

Consistent with these constitutional mandates, educational institutions have long utilized off-campus educational activities as an important complement to classroom instruction.

However, recent accidents and the tragic loss of young and promising lives during off-campus non-curricular activities remind us that no educational opportunity should come at the cost of a learner's life. These unfortunate incidents have exposed the limitations of existing guidelines, which remain largely administrative in nature, and clearly show the lack of a comprehensive, uniform, and enforceable framework for risk assessment, supervision, and accountability applicable to all off-campus educational activities.

This proposed measure seeks to establish a risk-based framework governing off-campus educational activities by public and private educational institutions. It introduces the need for accreditation for service or venue providers, mandatory risk assessments, minimum supervisor-to-learner ratios, comprehensive parental disclosure requirements, weather-related restrictions, and the imposition of criminal liability for supervisors and other heavier penalties for responsible entities who disregard learner safety.

Through these safeguards, the bill seeks to strike a balance between promoting meaningful off-classroom learning and ensuring that every reasonable precaution is taken to protect the life and welfare of learners.

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

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REP. JERNIE JETT V. NISAY
Pusong Pinoy Partylist



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AN ACT
PROVIDING FOR THE REGULATION AND SAFETY STANDARDS OF LOCAL
OFF-CAMPUS EDUCATIONAL ACTIVITIES OF PUBLIC AND PRIVATE
EDUCATIONAL INSTITUTIONS 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 “Local Off-Campus Activities Safety Act”.

SEC. 2. *Declaration of Policy.* - It is declared the policy of the State to establish, maintain and support a complete, adequate, and integrated system of education relevant to the needs of the people. It is likewise the policy of the State to protect, foster and promote the right of all citizens to affordable quality education at all levels. Consistent with these policies, the State recognizes the authority of basic and higher education institutions to adopt learning delivery strategies that integrate relevant off-campus educational activities with regular classroom instructional programs to broaden and supplement the learning opportunity.

Learning outside the confines of the classroom diminishes the security provided by its walls and subjects learners to safety concerns inherent in an exposed learning environment. The State shall therefore prescribe the framework within which these off-campus educational activities may be undertaken to ensure a more meaningful learning experience in an ecosystem that advances the utmost safety and well-being of learners.

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

(a) Curricular activities - off-campus educational activities that are an integral part of the instructional program.

(b) Institution - any public or private school offering basic education program or higher or technical education;

(c) Non-curricular, co-curricular or extra-curricular activities - local off-campus activities that may or may not be anchored on standard curriculum and are considered non-program based activities but are deemed relevant and desirable to broaden the opportunity for learning;

(d) Off-campus educational activities - curricular, non-curricular, co-curricular, and extra-curricular activities undertaken outside the premises of the institution; and

(e) Service providers - educational tour and/or transport operators offering their services for a consideration.

SEC. 4. Coverage. - This Act shall apply to all local off-campus educational activities, whether curricular, non-curricular, co-curricular, or extra-curricular, undertaken by public and private institutions under the supervision of the Department of Education (DepEd), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA), including technical-vocational education and training (TVET) programs.

SEC. 5. Conditions for Local Off-Campus Activities. - No off-campus non-curricular, co-curricular, and extra-curricular educational activities shall be undertaken unless they are:

(a) relevant and aligned with the educational competencies of the curriculum;

or

(b) necessary to the acquisition of relevant knowledge, skills, and values of the learners.

Participation in any off-campus non-curricular, co-curricular or extra-curricular activities shall be voluntary and in no case shall the inability to participate in the off-campus activity constitute a failure to complete any requirement or in any way put the learner at a disadvantage.

SEC. 6. Classifications of Off-Campus Educational Activities. - For purposes of ensuring learner safety and proportional regulatory requirements, all off-campus educational activities shall be classified accordingly.

DepEd, CHED, and TESDA shall prescribe detailed standards for each risk category in their respective implementing rules and regulations, subject to the following minimum classifications:

(a.) **Category I – Low-Risk Activities.** - These refer to activities conducted within a fifty-kilometer (50-km) radius from the educational institution and undertaken in controlled or supervised environments involving minimal foreseeable risk, including but not limited to:

- i. Visits to museums, science centers, libraries, cultural centers, exhibitions, and similar educational facilities;
- ii. Historical and cultural site visits;
- iii. Visits to government institutions; and
- iv. Other activities determined by DepEd, CHED, or TESDA to involve minimal risk.

Category I activities shall not involve overnight stays.

(b.) **Category II – Moderate-Risk Activities.** - These refer to activities involving extended travel, overnight stay, large gatherings, fieldwork, immersion, or other circumstances requiring enhanced supervision, including but not limited to:

- i. Any educational tours under Category I conducted beyond a fifty-kilometer (50-km) radius from the educational institution;
- ii. Inter-provincial educational activities;
- iii. Overnight camps, leadership programs, and similar activities;
- iv. Academic competitions requiring travel;
- v. Industry immersion visits;
- vi. Research, fieldwork, and similar activities conducted outside school premises; and
- vii. Other activities determined by DepEd, CHED, or TESDA to involve moderate risk.

The foregoing activities shall be classified as Category II regardless of distance whenever the nature, duration, or circumstances of the activity require enhanced supervision.

(c.) **Category III – High-Risk Activities.** - These refer to activities involving significant physical, environmental, transportation, operational, or safety hazards, including but not limited to:

- i. Mountain climbing, trekking, hiking, and wilderness expeditions;

- 1 ii. Water-based activities;
- 2 iii. Activities involving heights, specialized equipment, adventure
- 3 facilities, or comparable attractions;
- 4 iv. Visits to industrial plants, construction sites, mines, laboratories,
- 5 ports, airports, power generation facilities, or other hazardous workplaces
- 6 or operational environments;
- 7 v. Activities conducted in geographically isolated, remote, disaster-
- 8 prone, or otherwise high-risk areas; and
- 9 vi. Other activities determined by DepEd, CHED, or TESDA to involve
- 10 substantial risk.

11 Any off-campus educational activity shall be classified as a Category III activity
12 whenever any component, segment, portion, or reasonably foreseeable incident of the
13 itinerary involves a Category III activity, regardless of the distance to the destination,
14 duration of the activity, or whether such activity constitutes the principal purpose of the
15 program.

16
17 **SEC. 7. *Minimum Requirements for Off-Campus Educational Activities.*** - No off-
18 campus educational activity shall be conducted unless the following minimum
19 requirements are complied with:

- 20 (a.) Prior approval from the educational institution in accordance with the
- 21 requirements prescribed by DepEd, CHED, or TESDA;
- 22 (b.) Prior written informed consent from the parent or legal guardian of the
- 23 participating learner, regardless of age;
- 24 (c.) Disclosure to the parent or legal guardian of the objectives, itinerary,
- 25 destinations, transportation arrangements, accommodations, planned activities,
- 26 and any reasonably foreseeable incidental or ancillary activities;
- 27 (d.) Preparation and disclosure to the parent or legal guardian, prior to
- 28 obtaining their consent, of a safety and security plan, including emergency
- 29 response procedures, communication protocols, and emergency contact
- 30 information;
- 31 (e.) Supervision by qualified school personnel or other authorized persons
- 32 designated by the educational institution throughout the duration of the activity;
- 33 (f.) Insurance coverage for participating learners, in accordance with
- 34 standards prescribed by DepEd, CHED, or TESDA; and
- 35 (g.) Engagement only of duly accredited or authorized service providers,
- 36 where transportation, accommodation, tour, or other services are outsourced.

SEC. 8. Additional Requirements for Category II and Category III Activities. - In addition to the requirements applicable to all off-campus educational activities, Category II and Category III activities shall be subject to the following:

(a.) Risk Assessment. - Prior to approval, the educational institution shall conduct a risk assessment of the proposed activity. For this purpose, the educational institution shall constitute a Risk Assessment Team which shall conduct such inspections, validations, and evaluations as may be necessary to determine the safety and suitability of the activity. The composition, qualifications, functions, and procedures of the Risk Assessment Team shall be prescribed by DepEd, CHED, or TESDA.

(b.) Medical Screening. - Participating learners shall undergo such medical screening or health assessment to determine suitability to participate in the off-campus educational activities.

(c.) Pre-Activity Orientation. - The educational institution shall conduct a mandatory orientation for participating learners at least 2 days before the scheduled departure. Such orientation shall include the itinerary, safety protocols, emergency procedures, and other matters necessary to ensure informed participation.

(d.) Specialized Personnel. - Category III activities shall be accompanied by qualified personnel possessing certifications, training, licenses, or experience appropriate to the nature of the activity and the risks involved, in accordance with standards prescribed by DepEd, CHED, or TESDA.

SEC. 9. Supervision Requirements. - Off-campus educational activities shall be supervised by qualified school personnel or other authorized persons designated by the educational institution.

The minimum ratio of supervisors to participating learners shall be as follows:

(a.) Category I Activities — one (1) supervisor for every twenty-five (25) learners or fraction thereof;

(b.) Category II Activities — one (1) supervisor for every fifteen (15) learners or fraction thereof; and

(c.) Category III Activities — one (1) supervisor for every ten (10) learners or fraction thereof.

DepEd, CHED, and TESDA may prescribe stricter supervision requirements based on the age of the learners, duration of the activity, number of participants, presence of learners with disabilities or special needs, nature of the activity, and level of risk involved.

1 The experience, training, competence, age, academic standing, or prior participation of
2 the learners shall not be a ground for reducing the minimum supervision requirements
3 prescribed under this Act.

4 **SEC. 10. Duties of Supervisors.** - Every supervisor designated by the educational
5 institution for an off-campus educational activity shall:

6 (a.) Exercise reasonable care and supervision over learners assigned under
7 their case throughout the duration of the activity;

8 (b.) Ensure compliance with the approved safety and security plan and
9 emergency response protocols;

10 (c.) Ensure that learners participate only in activities authorized under the
11 approved program and for which the necessary consent have been obtained;

12 (d.) Immediately report any accident or injury to the educational institution and
13 other appropriate authorities; and

14 (e.) Perform such other duties as may be prescribed by DepEd, CHED, or
15 TESDA.

16
17 **SEC. 11. Weather-Related Suspension of Activities.** - Educational institutions shall
18 monitor official weather forecasts, advisories, warnings, and bulletins issued by
19 PAGASA.

20 (a.) Category I activities may proceed during a Yellow Rainfall Warning,
21 provided that all destinations, routes, and transit points remain under a Yellow
22 Rainfall Warning or lower advisory and the activity may be conducted safely.

23 (b.) Category II and Category III activities shall not commence and shall be
24 suspended upon the issuance of any rainfall warning, Tropical Cyclone Wind
25 Signal, Gale Warning, or other weather advisory indicating unsafe conditions.

26 DepEd, CHED, and TESDA shall prescribe the applicable weather thresholds,
27 restrictions, and suspension protocols for each category of activity.

28
29 **SEC. 12. Accreditation of Venues and Destinations.** - The DepEd, CHED, and
30 TESDA, in consultation with the Department of Tourism, National Museum of the
31 Philippines, National Historical Commission of the Philippines, National Commission for
32 Culture and the Arts, the local government units (LGUs) and other relevant government
33 agencies, shall separately accredit the venues, destinations, and activities where the
34 educational institutions under their respective jurisdictions may conduct, hold, or
35 participate in off-campus non-curricular, co-curricular or extra-curricular activities. In
36 accrediting off-campus venues, destinations and activities, the respective agencies
37 shall consider the following:

1 (a.) Suitability of the venue, place or activity in relation to the program requirement
2 and learning objectives;

3 (b.) Carrying capacity of the venue or place to ensure the accommodation of
4 learners, optimize the learning experience, and minimize adverse social and
5 environmental impact;

6 (c.) Sufficiency of amenities and other facilities for the comfort and convenience of
7 the learners; and

8 (d.) Adequacy of protective protocols to ensure the security and safety of the
9 learners.

10 The list of accredited venues and destinations shall be published in the website of the
11 DepEd, CHED, and TESDA, and shall be updated as the DepEd, CHED, and TESDA
12 consider necessary and appropriate.

13 Only venues, destinations, and activities accredited pursuant to this section may be
14 considered by educational institutions in planning for and in implementing off-campus
15 non-curricular, co-curricular or extra-curricular educational activities.

16
17 **SEC. 13. Outsourcing of Services.** - The conduct of off-campus educational activities
18 shall primarily utilize the resources and transport equipment of the educational
19 institutions concerned. In case of absence or inadequacy of such resources and
20 equipment, educational institutions may outsource their needs from accredited service
21 providers: *Provided*, That the overall responsibility for the off-campus activity shall
22 remain with the educational institution: *Provided, further*, That the service provider shall
23 not be relieved of any responsibility in case of failure to exercise the degree of care and
24 vigilance required under the circumstances: *Provided, finally*, That in no case shall the
25 off-campus activity be left to the control and management of the service provider.

26 The DepEd, CHED, and TESDA shall, in consultation with the Department of Tourism,
27 Department of Transportation, Land Transportation Franchising and Regulatory Board,
28 and other relevant government agencies, accredit service providers as defined under
29 Section 3(e) of this Act under such terms and conditions as they shall separately
30 prescribe pursuant to this section, including the following:

31 (a.) Technical and financial capability;

32 (b.) Experience and track record; and

33 (c.) Road, sea or airworthiness of transport equipment; *Provided*, That in case of
34 land transportation, the vehicle shall not be more ten (10) years old from date of
35 manufacture.

36 No educational institution shall engage a service provider unless the same is duly
37 accredited by the DepEd, CHED, or TESDA, as the case may be.

1 The expenses to be incurred in the conduct of off-campus educational activities shall
2 primarily be borne by the learners, subject to consultation with the parents or guardians:
3 *Provided*, That assistance from LGUs, institutional sponsors, and other well-meaning
4 benefactors may be solicited and accepted by the educational institutions.
5

6 **SEC. 14. *Responsibility and Liability of Educational Institutions.*** - The educational
7 institution shall have primary responsibility for the safety, security, health, and welfare
8 of participating learners. The engagement of service/venue providers shall not relieve
9 the educational institution or its responsible officials and personnel of liability under this
10 Act, without prejudice to their right to seek reimbursement, indemnification, or other
11 remedies against the service provider or any person responsible for the loss, damage,
12 injury, or death.
13

14 **SEC. 15. *Prohibited Acts.*** - The following acts are prohibited:

15 (a.) Conducting or authorizing an off-campus educational activity without the
16 approvals required under this Act;

17 (b.) Knowingly falsifying, concealing, altering, or misrepresenting any risk
18 assessment, safety plan, weather advisory, medical clearance, permit,
19 accreditation, or other document required under this Act;

20 (c.) Knowingly failing to disclose a material activity, destination, hazard, or risk
21 required to be disclosed;

22 (d.) Knowingly permitting, continuing, or resuming an off-campus educational
23 activity despite the existence of conditions requiring its suspension;

24 (e.) Knowingly classifying an activity under a lower category, or otherwise
25 misrepresenting the nature of an activity;

26 (f.) Conducting an activity without the minimum supervision requirements;

27 (g.) Knowingly engaging or utilizing a service provider, venue, transport
28 provider, facilitator, guide, contractor, or other person lacking the accreditation
29 or qualifications;

30 (h.) Knowingly permitting, allowing, inducing, coercing, or facilitating the
31 participation of a learner without the written informed consent required, or after
32 such consent has been expressly withheld, denied, or withdrawn;

33 (i.) Obstructing, interfering with, or refusing lawful inspection, investigation,
34 or enforcement actions conducted; and

35 (j.) Retaliating against any learner, parent, guardian, employee, or other
36 person for reporting violations of this Act or cooperating in an investigation.
37

SEC. 16. Penalties. - Any educational institution or responsible person found to have committed any of the acts under Section 15 shall be subject to the following penalties:

- (a.) For the first offense, a fine of not less than One Million Pesos (₱1,000,000.00) but not more than Two Million Pesos (₱2,000,000.00) and suspension of authority, accreditation, or eligibility to conduct, organize, facilitate, or participate in off-campus educational activities for a period of 1 year;
- (b.) For the second offense, a fine of not less than Two Million Pesos (₱2,000,000.00) but not more than Three Million Pesos (₱3,000,000.00), and suspension of authority, accreditation, or eligibility to conduct, organize, facilitate, or participate in off-campus educational activities for a period of 2 years; and
- (c.) For the third and subsequent offenses, a fine of not less than Three Million Pesos (₱3,000,000.00), and revocation of accreditation.

Where the offender is a public educational institution, the penalties shall be imposed upon the school head, principal, president, dean, faculty adviser, organizer, supervisor, or other official directly responsible for the violation.

This shall be without prejudice to other liabilities under other applicable laws, rules, and regulations.

No waiver of action or liability executed by the learners, their parents or guardians prior to the activity shall operate to exonerate any educational institution, service provider, or their officials and employees from a cause of action arising from the conduct of off-campus activity.

SEC. 17. Offenses by Supervisors and Specialized Personnel. - Any supervisor or other specialized personnel designated pursuant to this Act who knowingly:

- (a.) fails to exercise the supervision and care required under this Act;
- (b.) fails to comply with the approved safety and security plan or emergency response protocols;
- (c.) permits the conduct or continuation of an activity despite the existence of conditions requiring its suspension, postponement, modification, rerouting, or termination;
- (d.) permits participation in an activity beyond the scope of the learner's parental consent, medical clearance, or authorized participation; or
- (e.) deliberately disregards a mandatory safety requirement prescribed under this Act, shall suffer the penalty of *prisión correccional* in its minimum and medium periods.

SEC. 18. Liability of Service Providers and Venue Operators During Dangerous Weather Conditions. - Any service provider, venue operator, transport provider, tour guide, facilitator, or other person exercising control or supervision over an off-campus

educational activity who knowingly allows the activity to proceed despite adverse weather conditions shall be liable.

For the first offense, the offender shall be fined Five Hundred Thousand Pesos (P500,000.00);

For the second offense, the offender shall be fined One Million Pesos (P1,000,000.00) and shall suffer suspension of accreditation, permit, license, or authority to operate for a period of not less than one (1) year; and

For the third and subsequent offenses, the offender shall be fined Two Million Pesos (P2,000,000.00) and shall suffer revocation of accreditation, permit, license, or authority to operate.

The foregoing penalties shall apply regardless of whether injury, damage, or loss has occurred and shall be without prejudice to any civil, criminal, or administrative liability under other laws. Liability shall not be negated by the existence of protective equipment or similar protocols.

SEC. 19. *Liability for School-Related Activities.* - Where an activity is participated in primarily by learners of the same educational institution, or is represented, promoted, organized, or reasonably perceived as being connected with a school event, sportsfest, competition, celebration, party, retreat, training program, recognition activity, or similar undertaking, but is not formally authorized by the educational institution, the facilitator, organizer, coordinator, or person who initiated, promoted, managed, or exercised control over the activity shall be deemed the principal responsible person for purposes of liability under this Act.

Service providers, venue operators, transport providers, guides, contractors, and other persons exercising control or supervision over the activity shall likewise be liable for violations of this Act.

An educational institution may likewise be held liable where it knew or reasonably should have known that such activity was being planned, organized, promoted, or conducted by its learners, employees, or representatives, and failed to take reasonable measures to prevent the activity, disassociate itself therefrom, or comply with the duties and obligations imposed under this Act.

The absence of formal authorization from the educational institution shall not exempt any person from liability under this Act.

SEC. 20. *Implementing Rules and Regulations.* - The DepEd, CHED, and TESDA shall, in consultation and coordination with appropriate national government agencies, LGUs, and other stakeholders, promulgate the necessary rules and regulations for the effective implementation of this Act, within ninety (90) days from its effectivity.

1 **SEC. 21. *Separability Clause.*** - If for any reason, any part or provision of this Act is
2 declared invalid or unconstitutional, the other parts or provisions not affected shall
3 remain in full force and effect.

4
5 **SEC. 22. *Repealing Clause.*** - All laws, presidential decrees, executive orders, rules
6 and regulations contrary to or inconsistent with the provisions of this Act are hereby
7 repealed or amended accordingly.

8
9 **SEC. 23. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in
10 the *Official Gazette* or in a newspaper of general circulation.

11
12 *Approved,*