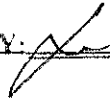




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SENATE  
S.B. No. **2685**

RECEIVED BY: 

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Introduced by Senator Miriam Defensor Santiago

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#### EXPLANATORY NOTE

The Constitution, Article 2, Sections 13 and 17 provide:

Section 13. The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

Section 17. The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.

The Constitution, Article 14 also provides:

Section 1. 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.

Section 2. The State shall:

(1) Establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society;

(2) Establish and maintain, a system of free public education in the elementary and high school levels. Without limiting the natural rights of parents to rear their children, elementary education is compulsory for all children of school age;

(3) Establish and maintain a system of scholarship grants, student loan programs, subsidies, and other incentives which shall be available to deserving students in both public and private schools, especially to the under-privileged;

(4) Encourage non-formal, informal, and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs particularly those that respond to community needs; and

(5) Provide adult citizens, the disabled, and out-of-school youth with training in civics, vocational efficiency, and other skills.

Section 3. (1) All educational institutions shall include the study of the Constitution as part of the curricula.

(2) They shall inculcate patriotism and nationalism, foster love of humanity, respect for human rights, appreciation of the role of national heroes in the historical development of the country, teach the rights and duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline, encourage critical and creative thinking, broaden scientific and technological knowledge, and promote vocational efficiency. x x x

Section 4. (1) The State recognizes the complementary roles of public and private institutions in the educational system and shall exercise reasonable supervision and regulation of all educational institutions. x x x

Section 5. (1) The State shall take into account regional and sectoral needs and conditions and shall encourage local planning in the development of educational policies and programs. x x x

According to the University of the Philippines Population Institute, the functional literacy rate among our population is 84% as of 2003. On the other hand, according to statistics from the Department of Education (DepEd), the country's dropout rate in elementary and secondary school is among the highest in Asia. In 2005, the country spent only 2.5% of its GDP on education. These statistics show the alarming state of education in the country.

The importance of education cannot be overemphasized. The progress and development of a country depends upon the quality of education it provides its people. This Act aims to improve the quality of elementary and secondary education in the country by stressing the duty of parents to ensure the education of their children, broaden the authority and responsibilities of local school boards, and provide students accommodations to improve their school attendance.<sup>1</sup>

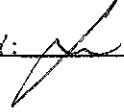
*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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<sup>1</sup> This bill was originally filed during the Second Regular Session of the Fourteenth Congress.

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SENATE  
S.B. No. **2685**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

1 AN ACT  
2 TO IMPROVE ATTENDANCE IN ELEMENTARY AND SECONDARY SCHOOLS

*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*

3 SECTION 1. *Short Title.* – This Act shall be known as the “School Attendance Act.”

4 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State

5 (a) To give priority to education to foster patriotism and nationalism, accelerate  
6 social progress, and promote total human liberation and development;

7 (b) To protect and promote the right of all citizens to quality education at all levels,  
8 and shall take appropriate steps to make such education accessible to all;

9 (c) To establish, maintain, and support a complete, adequate, and integrated  
10 system of education relevant to the needs of the people and society; and

11 (d) To recognize the right of every child to an education and to the development of  
12 his or her skills for the improvement of his or her capacity for service to the country.

13 SECTION 3. *Duties of Parents.* – All parents and those who have the care of children  
14 shall bring them up in some lawful and honest employment, and instruct them or cause them to  
15 be instructed in reading, writing, spelling, grammar, geography, arithmetic, and Philippine  
16 history and the Constitution. Each parent or other person having control of a child five years of  
17 age and over and under eighteen years of age shall cause such child to attend a public school  
18 regularly during the hours and terms the public school in the district in which such child resides  
19 is in session, unless such child is a high school graduate or the parent or person having control of  
20 such child is able to show that the child is elsewhere receiving equivalent instruction in the  
21 studies taught in the public schools. The parent or person having control of a child sixteen or

1 seventeen years of age may consent, as provided in this section, to such child's withdrawal from  
2 school. Such parent or person shall personally appear at the school district office and sign a  
3 withdrawal form. The school district shall provide such parent or person with information on the  
4 educational options available in the school system and in the community. The parent or person  
5 having control of a child five or six years of age shall have the option of not sending the child to  
6 school until the child is seven years of age. The parent or person shall exercise such option by  
7 personally appearing at the school district office and signing an option form. The school district  
8 shall provide the parent or person with information on the educational opportunities available in  
9 the school system.

10 SECTION 4. *Penalty.* – Each day's failure on the part of each parent or person having  
11 control of a child five years of age and over and under eighteen years of age to comply with  
12 Section 3 shall be a distinct offense, punishable by a fine not exceeding five hundred pesos  
13 (P500.00). All offenses concerning the same child shall be charged in separate counts in one  
14 complaint. When a complaint contains more than one count, the court may give sentence on one  
15 or more counts and suspend sentence on the remaining counts. If, at the end of twelve weeks  
16 from the date of the sentence, it appears that the child concerned has attended school regularly  
17 during that time, judgment on such remaining counts shall not be executed.

18 SECTION 5. *Duty of Local School Boards to Provide School Accommodations.* – Each  
19 provincial, city, or municipal school board shall furnish, by transportation or otherwise, school  
20 accommodations so that each child five years of age and over and under twenty-one years of age  
21 who is not a graduate of a high school or vocational school may attend public school.

22 SECTION 6. *Private Schools and Instruction.* – Attendance of children at a school other  
23 than a public school shall not be regarded as compliance with this Act requiring parents and  
24 other persons having control of children to cause them to attend school, unless the teachers or  
25 persons having control of such school file with the Secretary of Education student attendance  
26 reports at such times and in such forms as the Secretary prescribes, and make such reports and  
27 returns concerning the school under their charge to the Secretary, except that no report  
28 concerning finances shall be required. The Secretary shall furnish to the teachers or persons

1 having charge of any school such forms as may be necessary for compliance with the provisions  
2 of this section.

3 SECTION 7. *False Statement as to Age.* – Any parent or other person having control of a  
4 child, who makes any false statement concerning the age of such child with intent to deceive any  
5 school registrar of vital statistics or the teacher of any school, or instructs a child to make any  
6 such false statement, shall be fined not more than five thousand pesos (P5,000.00).

7 SECTION 8. *Policies and Procedures Concerning Truants.* – (a) For purposes of this  
8 section, “truant” means a child age five to eighteen, inclusive, who is enrolled in a public or  
9 private school and has four unexcused absences from school in any one month or ten unexcused  
10 absences from school in any school year.

11 (b) Each local school board shall adopt and implement policies and procedures  
12 concerning truants who are enrolled in schools under their jurisdiction. Such policies and  
13 procedures shall include, but need not be limited to, the following: (1) the holding of a meeting  
14 with the parent of each child who is a truant, or other person having control of such child, and  
15 appropriate school personnel to review and evaluate the reasons for the child being a truant,  
16 provided such meeting shall be held not later than ten school days after the child’s fourth  
17 unexcused absence in a month or tenth unexcused absence in a school year; (2) coordinating  
18 services with and referrals of children to community agencies providing child and family  
19 services; (3) annually at the beginning of the school year and upon any enrollment during the  
20 school year, notifying the parent or other person having control of each child enrolled in the  
21 public schools in writing of the obligations of the parent or such other person pursuant to Section  
22 3; (4) annually at the beginning of the school year and upon any enrollment during the school  
23 year, obtaining from the parent or other person having control of each child a telephone number  
24 or other means of contacting such parent or such other person during the school day; and (5) a  
25 system of monitoring individual unexcused absences of children which shall provide that  
26 whenever a child enrolled in school fails to report to school on a regularly scheduled school day  
27 and no indication has been received by school personnel that the child's parent or other person  
28 having control of the child is aware of the pupil’s absence, a reasonable effort to notify, by

1 telephone, the parent or such other person shall be made by school personnel or volunteers under  
2 the direction of school personnel.

3 (c) Nothing in this Section shall preclude a provincial, city, or municipal school  
4 board from adopting policies and procedures which exceed the requirements in this Section.

5 (d) The provisions of this Section shall not apply to any child receiving equivalent  
6 instruction pursuant to Section 3.

7 SECTION 9. *Attendance Officers.* – Any provincial, city, or municipal school board shall  
8 appoint attendance officers. Each attendance officer shall be sworn to the faithful performance  
9 of his or her duties, and shall be under the direction of the principal or superintendent of schools  
10 of the school board by which he or she is employed. He or she shall investigate the absence of  
11 pupils from or the irregular attendance of pupils at school, cause such pupils who are absent or  
12 irregular in attendance to attend school regularly, and present cases requiring prosecution for  
13 violation of the school laws to prosecuting officers.

14 SECTION 10. *Habitual Truants.* – Each province, city, or municipality may adopt  
15 ordinances concerning habitual truants from school and children between the ages of five and  
16 eighteen years wandering about in the streets or public places, having no lawful occupation and  
17 not attending school, as shall conduce to their welfare and to public order. For purposes of this  
18 section, “habitual truant” means a child age five to eighteen, inclusive, who is enrolled in a  
19 public or private school and has twenty unexcused absences within a school year.

20 SECTION 11. *Policy on Dropout Prevention.* – Each provincial, city, or municipal  
21 school board shall adopt a policy on dropout prevention. The policy shall include, but not be  
22 limited to, the encouragement of (a) local identification of students in kindergarten to fourth year  
23 high school who are at risk of dropping out of school; (2) the development, expansion, and  
24 coordination of local services to such students; and (3) the coordination of dropout prevention  
25 programs administered by government agencies.

26 SECTION 12. *Dropout Prevention Grant Program.* – (a) Consistent with the policy  
27 adopted pursuant to Section 11, the Department of Education shall establish a student dropout  
28 prevention grant program, in each fiscal year in which funds are appropriated, to assist local and  
29 regional school districts with the greatest need in decreasing the number of students dropping out

1 of school and increasing their graduation rate. Local school boards shall use the grants to  
2 conduct needs assessments, implement or expand innovative programs, evaluate existing efforts,  
3 or implement other activities specified in a project plan developed pursuant to subsection (d) of  
4 this section.

5 (b) The Secretary of Education shall identify the eligibility criteria for participation in  
6 the program annually, on or before January fifteenth of each year. Eligibility criteria shall  
7 include, but not be limited to, graduation rates and educational need.

8 (c) The Secretary of Education shall identify each local or regional school district  
9 eligible to participate in the program. Such identification shall be done annually, on or before  
10 March fifteenth of each year. Grant recipients shall be selected from those school districts so  
11 identified. Such identification shall not constitute a grant entitlement.

12 (d) Local school boards in school districts which have been identified pursuant to  
13 subsection (c) of this section may annually submit grant proposals to the Secretary of Education  
14 at such time and in such manner as the Secretary prescribes. Each proposal shall be based on a  
15 three-year project plan; shall include, but not be limited to, project goals, objectives, evaluation  
16 strategies, staff assignments, and a budget which shall identify local funding and other available  
17 resources for the three-year period; and may include programs or services which are provided  
18 through written agreements with nonprofit organizations or private employers or programs or  
19 services which are provided to children of school age who are not attending school in order to  
20 promote their return to school.

21 (e) Within the availability of funds, the Secretary shall determine whether to  
22 authorize a grant award to a local school board upon receipt of a grant proposal pursuant to  
23 subsection (d) of this section and shall determine the amount of any such grant. Such  
24 authorization shall be made on or before September fifteenth of each fiscal year in which  
25 payment is to be made. The amount of the award shall be based upon criteria including, but not  
26 limited to, district enrollment and the proposal submitted pursuant to subsection (d) of this  
27 section. Of the total amount appropriated in each fiscal year for the purposes of this section, the  
28 Department of Education (1) may set aside not more than five per cent to provide administrative  
29 assistance relating to the implementation of this section; and (2) shall set aside five per cent for

1 competitive grants for local school boards not eligible to participate in the program pursuant to  
2 subsection (c) of this section. The timelines for identifying the eligibility criteria for such  
3 competitive grants, for identifying school districts eligible for such grants, for submitting  
4 proposals and for authorizing grant awards shall conform to the respective timelines described in  
5 this subsection and subsections (b) to (d), inclusive, of this section.

6 (f) Each local school board participating in the grant program shall prepare a  
7 financial statement of expenditures and an annual project report. The report shall describe the  
8 project activities and the degree to which the project met its goals and objectives. Such financial  
9 statements and reports shall be submitted to the department on or before September first of the  
10 fiscal year immediately following each fiscal year in which the local school board participates in  
11 the grant program. On or before December thirty-first of the fiscal year following the fiscal year  
12 in which payment is received, each local school board which receives a grant pursuant to this  
13 section shall file with the Secretary of Education a financial audit in such form as the Secretary  
14 prescribes. If the Secretary finds that any such grant is being used for purposes which are not in  
15 conformity with the purposes of this section, the Secretary may require repayment of the grant.

16 SECTION 13. *Rules and Regulations.* – The Secretary shall prescribe appropriate rules  
17 and regulations to carry out the provisions of this Act.

18 SECTION 14. *Authorization of Appropriations.* – To carry out the provisions of this Act,  
19 there are authorized to be appropriated such sums as may be necessary for each fiscal year.

20 SECTION 15. *Separability Clause.* – If any provision, or part hereof is held invalid or  
21 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
22 valid and subsisting.

23 SECTION 16. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
24 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent  
25 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

26 SECTION 17. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
27 publication in at least two (2) newspapers of general circulation.

Approved,