

THIRTEENTH CONGRESS OF THE }  
REPUBLIC OF THE PHILIPPINES }  
First Regular Session }

'04 JUN 30 P2:51

SENATE  
S. No. 220

RECEIVED BY: 

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Introduced by Senator S. R. Osmeña III

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### EXPLANATORY NOTE


Universal access to quality education is enshrined in the Philippine Constitution. The national priority on education is re-enforced by the fact that in the present era, knowledge has become the main source of wealth, especially in advanced economies. Countries whose citizens display a high intelligence quotient in terms of literacy and proficiency in the sciences, technology and management have reaped the highest economic rewards worldwide.

It is well known that at the tertiary level, the opportunity cost of time constitutes the highest cost of education. Most students cannot go to college because they need to start working at a job to contribute to the family income.

This bill seeks the adoption and institutionalization of an "open tertiary education" system in the Philippines. An "open" school deviates from the graded, structured and class-attended formal system in that it makes use of radio, television, print media, audio and video equipment and other forms of instruction that may occur at a place and pace of study determined by the student himself. Hence, the student does not necessarily have to forego the chance of earning a living while he pursues a college education.

This bill seeks to reduce the effective cost of a college education to a great number of our young students by allowing them to economize on their time. This bill is a measure that will empower higher investments in education and improve the future for our people.

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

  
SERGIO OSMEÑA III  
Senator

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AN ACT  
INSTITUTIONALIZING THE OPEN LEARNING AND DISTANCE EDUCATION  
SYSTEM IN THE PHILIPPINES, APPROPRIATING FUNDS THEREFOR AND FOR  
OTHER PURPOSES

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

1           **Section 1. Short Title.** – This Act shall be known as the “Open and  
2 Distance Learning System of Education Act.”

3           **Sec. 2. Declaration of Policy.** – It is hereby declared a policy of the  
4 State to expand and further democratized educational opportunities for our  
5 people in a more effective and economical manner through utilization of  
6 innovative educational technologies. In view thereof, the State recognizes the  
7 open and distance learning system as a necessary mode to achieve equitable  
8 access to quality tertiary education even as it guarantees the academic freedom  
9 of higher education institutions.

10           **Sec. 3. Definition of Terms.** – For the purposes of this Act the following  
11 terms shall mean:

12           a) Open Learning System – an institutionalized system of delivery of  
13 educational services that allows for wider access to education  
14 opportunities by overcoming barriers resulting from geographical  
15 isolation, and personal or work commitments.

16           b) Distance Education – a method of learning and teaching employing  
17 print, radio, television, computer-based communications, satellite

1 broadcasting, teleconferencing or other educational technologies, that  
2 allows students to study on their own without having to regularly  
3 attend classes in conventional classrooms.

4 **Sec. 4. Institutionalization of the Open and Distance Learning**

5 **System.** –The open and distance learning system, hereinafter referred to as the  
6 System is hereby institutionalized in the Philippines in accordance with the  
7 provisions of this Act.

8 **Sec. 5. Coverage.** – This Act shall apply to public and private higher  
9 education institutions with existing open and distance learning programs, and to  
10 other institutions that shall later be authorized as qualified implementors of the  
11 System.

12 **Sec. 6. Role of the Commission on Higher Education.** – The  
13 Commission on Higher Education, hereinafter referred to as the CHED, shall  
14 plan, set standards, coordinate, monitor and authorize the effective  
15 implementation of open learning and distance education in the country in  
16 accordance with the provisions of this Act., It shall:

- 17 a) Formulate, promulgate and implement the necessary rules and  
18 regulations to maintain the same quality of education and uniform  
19 standards of performance for both distance and residential students of  
20 participating higher education institutions;
- 21 b) Monitor, evaluate and effect the continuation or closure of programs in  
22 accordance with the provisions of the implementing rules and  
23 regulations;
- 24 c) Review and approve proposals from educational institutions for new  
25 open learning and distance education programs; and
- 26 d) Recommend to the Department of Budget and Management  
27 supplemental budget for open learning and distance education  
28 programs of participating higher education institutions;

1           **Sec. 7. Criteria for Commission on Higher Education's Approval of**  
2 ***New Open and Distance Education Programs.*** – Higher education institutions  
3 applying for CHED's approval to establish open and distance learning programs  
4 shall be evaluated based on the following criteria, among others, to be defined  
5 by the CHED:

- 6           a) Qualified faculty with experience and/or training in open and distance  
7           education;
- 8           b) Relevant curricular programs;
- 9           c) Appropriate instructional materials;
- 10          d) Appropriate student support services and delivery systems;
- 11          e) Linkages with other appropriate institutions as resource centers; and
- 12          f) Recognized research program on open and distance learning.

13           **Sec. 8. Role of the University of the Philippines Open University.** –  
14 The University of the Philippines Open University, hereinafter referred to as  
15 UPOU, shall be designated as the national open university. It shall set up the  
16 model programs, undertake relevant research and development projects, assist  
17 other interested higher education institutions in developing open learning and  
18 distance education programs, and provide technical assistance to the CHED in  
19 open learning and distance education matters.

20           **Sec. 9. Role of Government Broadcast Stations and**  
21 ***Telecommunications*** Network. – Government broadcast stations and  
22 telecommunications networks shall provide the necessary assistance and  
23 cooperation in support of the System.

24           **Sec. 10. Tax Incentives.** – Private entities, such as broadcast stations,  
25 telecommunications networks and others, which shall provide appropriate  
26 materials, time and services to the System shall be given corresponding tax  
27 credits equivalent of the commercial value of their respective contribution to the  
28 System in accordance with rules and regulations to be promulgated by CHED in  
29 consultation with the Department of Finance.

1           **Sec. 11. Appropriations.** – For the initial implementation of this Act, the  
2 amount of Fifty Million Pesos (P50,000,000.00) from the President's  
3 organization fund shall be divided equally between the CHED and UPOU.  
4 Thereafter, the amount necessary for the continuous implementation of this  
5 program by the CHED and UPOU shall be included in the General  
6 Appropriations Act.

7           **Sec. 12. Separability Clause.** – If any provision of this Act is declared  
8 unconstitutional, the same shall not affect the validity and effectivity of the other  
9 provisions hereof.

10           **Sec. 13. Repealing Clause.** – All laws, decrees, executive orders,  
11 presidential proclamations, rules and regulations or parts thereof contrary to or  
12 inconsistent with the provisions of this Act are hereby repealed or modified  
13 accordingly.

14           **Sec. 14. Effectivity Clause.** – This Act shall take effect after fifteen (15)  
15 days after its complete publication in the Official Gazette or in at least two (2)  
16 national newspapers of general circulation.

Approved,