

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

SENATE
OFFICE OF THE SECRETARY

'04 JUN 30 P3:55

SENATE

RECEIVED BY: Adler

S. No. 310

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

Several provisions in the Philippine Constitution highlights the primacy attached to education. Section One, Article XIV, of 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."

Section 5, subparagraph 5, of the same Article under the Constitution further states that:

"The State shall assign the highest budgetary priority to education and ensure that teaching will attract and retain its rightful share of the best available talents through adequate remuneration and other means of job satisfaction and fulfillment."

Pursuant to such provisions of the Constitution, the State in its mandate to exercise reasonable supervision and regulation of all educational institutions (Sec. 4 (1) Article XIV, Constitution), shall guarantee every Filipino's right to education. In cases where students are deprived of this right, the State shall be responsible for making education accessible to them.

A particular case where the student's accessibility of education is compromised is when educational institutions close down without proper notification to their students and faculty. Displaced students of closed down universities are forced to either stop their schooling for a while or suffer the hardships of looking for an educational institution that will accept them despite their lack of residency. The faculty is also rendered unemployed by such unexpected occurrence.

To protect the welfare of the students and faculty of the adverse effects of the sudden closure of educational institution, this bill seeks to require the latter to properly notify said students and faculty of their decision to close shop. In the event that the closure may no longer be put-off, the educational institution shall see to it that its students, especially those who may not be accepted due to lack of residency, are properly enrolled in duly recognized schools.

In view hereof, approval of this bill is therefore earnestly requested.

S. Osmeña III

SERGIO OSMEÑA III
Senator

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S. No. 310

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AN ACT
REQUIRING ALL EDUCATIONAL INSTITUTIONS TO GIVE PROPER NOTICE
OF THEIR INTENDED CLOSURE OR PHASE-OUT TO THE DEPARTMENT
OF EDUCATION, CULTURE AND SPORTS, STUDENTS BODY, AND ALL
EMPLOYEES AFFECTED THEREBY, PROVIDING PENALTIES THEREFORE
AND FOR OTHER PURPOSES.

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

1 SECTION 1. **Declaration of Policy.** – It is hereby declared to be the
2 policy of the State to protect and promote the right of all citizens to quality
3 education at all levels and to safeguard the continued and unhampered
4 education of all citizens.

5 SEC. 2. **Notice of Phase-Out or Closure.** – No educational institution
6 shall phase-out or stop its operations without giving due notice within a
7 reasonable time to the Department of Education (DepEd), Student Body and all
8 its faculty and employees stating in particular, the date and reasons for the
9 closure or phase-out.

10 SEC. 3. **Transfer of Displaced Students.** – In cases where an
11 educational institution has to stop its operations, it shall undertake the transfer of
12 all its students to, and acceptance by, duly recognized schools and provide them
13 with all the necessary assistance so as to ensure continuity in their education
14 during the school year period.

15 SEC. 4. **Unhampered Education Phase-Out of Graduating Pupils or**
16 **Student.** – The tender of notice of closure by any educational institution shall
17 not prejudice the right of graduating pupils or students to finish their elementary,
18 secondary or collegiate course thereat: Provided, however, That when the

1 DepEd certifies that the closure is by reason of financial difficulties, the
2 educational institution shall be governed by the provisions of Section 3 hereof.

3 SEC. 5. **Rules and Regulations.** – The DepEd shall issue and
4 implement the necessary rules and regulations to implement the provisions of
5 this Act.

6 SEC. 6. **Penalties.** – The President or Head of any educational
7 institution who violates the provisions of this Act or of the rules and regulations
8 issued by the DepEd shall suffer the penalty of a fine not less than Twenty
9 thousand pesos (P20,000.00), but not more than Fifty thousand pesos
10 (P50,000.00) or by imprisonment of not less than five (5) years but not more than
11 ten (10) years, or both, at the discretion of the Court.

12 SEC. 7. **Relation to Other Laws.** – Nothing in this Act shall be
13 construed as to eliminate or diminish in any way benefits granted to employees
14 by other applicable provisions of the Labor Code, including its implementing rules
15 and regulations.

16 SEC. 8. **Effectivity Clause.** – This Act shall take effect fifteen (15) days
17 after its publication in the Official Gazette or in at least two (2) newspapers of
18 general circulation whichever comes earlier.

Approved,