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SENATE

S. B. 140

RECEIVED BY: 

Introduced by SENATOR CYNTHIA VILLAR

EXPLANATORY NOTE

Section 1, Article XIV of the 1987 Constitution mandates 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. The Constitution further provides that the State shall establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society and that the State shall 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 the community levels (Sec. 2, Art. XIV, 1987 Constitution).

While the government labors in upholding these constitutional mandates, it is a sad reality that it encounters difficulty in providing quality and accessible education to all due to budgetary constraints and other relevant factors. In the preceding years, we have witnessed the decline in the quality of education and the significant increase in the number of students not pursuing and/or finishing higher education. Somehow, this trend came about because a large number of Filipino families, with their meager resources, could not afford the everyday expenses involved (e.g. daily allowances for transportation, meals and other school-related incidental expenses) in sending their children to college the traditional way. Besides, many of our young people necessarily had to leave school and shelve their dream of acquiring higher education for them to immediately work in low-paying jobs to help in the upkeep of their families.

The Open Learning and Distance Education could be a suitable response to this reality. Unlike traditional education wherein one goes to school regularly to meet teachers and classmates, a student availing himself or herself of distance learning can attend classes while at home or in the workplace with the use of modules, e-mail, chat and video conference to name a few. Like the traditional learning experience, distance education follows a curriculum, but studying can be done at ones pace. To ensure efficiency and quality, mechanisms are employed to monitor and ensure the academic progress of the students.

This bill seeks to strengthen and regulate the offering of open learning and distance education in the country. This modern delivery of education to learners could make higher education accessible to a great number of our people pursuant to the Constitutional mandate. As long as the necessary support for the efficient implementation of the system as enunciated in the bill are followed, open learning and distance education could well serve as effective engines to develop our people and nation.

With the foregoing discussion, I earnestly recommend the early approval of the bill.


CYNTHIA A. VILLAR



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SENATE

S. B. 140

RECEIVED BY: *[Signature]*

Introduced by SENATOR CYNTHIA VILLAR

**AN ACT
TO IMPROVE ACCESS TO EDUCATION THROUGH OPEN LEARNING AND
DISTANCE EDUCATION IN POST SECONDARY AND TERTIARY LEVELS IN THE
PHILIPPINES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER
PURPOSES**

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “*Open Learning and*
2 *Distance Education Act of 2013.*”
3

4 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
5 expand and further democratize access to quality education at the post secondary and
6 tertiary levels through the promotion and application of open learning as a philosophy of
7 access to educational services, and the appropriate, efficient and effective
8 implementation of distance education as a system of delivering quality post secondary
9 and tertiary educational services in the country.
10

11 SEC. 3. *Definition of Terms.* – For purposes of this Act, the following terms are
12 hereby defined:

13 (a) Open Learning – A philosophy of learning that is quality-assured, open to
14 people, methods, places and ideas, and is highly flexible and learner-
15 centered, enabling the latter to learn at the time, place and pace which
16 satisfy his/her circumstances and requirements;
17

18 (b) Distance Education – is a mode of educational delivery whereby the
19 teacher and learner are separated in time and space, and the instruction is
20 delivered through specially designed materials and methods using
21 appropriate technologies and learning management systems and

1 supported by organizational and administrative structures and
2 arrangements. It enables learning to take place from a distance, virtually
3 and differently from the conventional classroom or traditional mode;

4
5 (c) Open University/College/Institution – refers to a higher education
6 institution that is a separate, independent, and degree-granting academic
7 entity which employs operational procedures and strategies of an open
8 learning institution;

9
10 (d) Center/Institute/School of Distance Education – refers to a subsidiary of a
11 higher education institution which offers distance education programs, but
12 is not qualified to be called an Open University/College/Institution, and
13 whose degrees are awarded by the mother university/College/Institution;

14
15 (e) Higher Education Institution - refers to an institution of higher learning in
16 the Philippines which primarily offers degree-granting programs, including
17 post secondary degree granting vocational and technical institution duly
18 recognized by the Commission on Higher Education;

19
20 (f) Tertiary Education – shall refer to the higher learning level after high
21 school offering baccalaureate, graduate or post-graduate programs;

22
23 (g) Post Secondary Education - shall refer to non-degree technical-vocational
24 programs accredited by the Technical Education and Skills Development
25 Authority;

26 (h) Technical-Vocational Programs - shall refer to post secondary certificate
27 courses, officially recognized as non-degree programs aimed at preparing
28 technicians, paraprofessionals and other categories of middle-level
29 workers by providing them with a broad range of general education,
30 theoretical, scientific and technological studies, and related job skills
31 training.

32
33 SEC. 4. *Institutionalization of Distance Education.* – Distance Education is
34 hereby institutionalized in the Philippines in accordance with the provisions of this Act.

35
36 SEC. 5. *Coverage.* This Act shall apply to public and private higher education
37 institutions (HEIs) and post secondary technical/vocational schools in the Philippines
38 which have existing open learning and distance education programs, and to other

1 tertiary and technical/vocational institutions which shall later be authorized as qualified
2 implementers of open learning and distance education programs.

3
4 *Sec. 6. Admission and Other Academic Policies and Requirements.* – Admission
5 and other academic policies and requirements in HEIs offering tertiary education
6 through distance education programs shall be governed by a set of policies, standards
7 and requirements set for tertiary education by duly authorized academic bodies such as
8 Board of Regents/Trustees, University/Faculty Councils, and/or the Commission on
9 Higher Education, and for technical-vocational courses in the post secondary level by
10 the Technical Education and Skills Development Authority such as, but not limited to,
11 the following:

- 12
13 (a) Completion of secondary education;
- 14
15 (b) Passing an entrance examination given by the HEI or post secondary
16 school; and
- 17
18 (c) Compliance with the other admission requirements of the admitting higher
19 education or post secondary institutions that are instituted in accordance
20 with the standards set by the CHED and TESDA, respectively.

21
22 *SEC. 7. Program, Curriculum and Course Development Offerings and*
23 *Requirements.* – Open learning programs, curricula and courses developed and offered
24 in distance education mode shall be subjected to similarly high standards, policies and
25 guidelines imposed on traditional or conventional tertiary education programs, curricula
26 and courses to ensure equivalence in quality and substance of both distance and
27 traditional or conventional modes of education.

28
29 There shall be defined a set of courses/subjects and/or examinations, and/or
30 special projects and activities, the completion of which shall be required for graduation
31 from the academic degree program, and which shall be equivalent to those under the
32 conventional mode of instruction.

- 33
34 (a) The place, pace, and mode of study of the student shall be at the option
35 and convenience of the student, but within the predetermined time frame
36 of the distance education program the student is enrolled in and except in
37 the case of examinations whose context, content and conduct shall be
38 determined by the distance education institution;

1 (b) The institution concerned shall formulate and implement a mechanism to
2 monitor the academic progress of the students;

3
4 (c) The curricular offerings using the open learning philosophy which are
5 offered through the distance education mode shall conform to respective
6 policies, standards, and guidelines for distance education of CHED and
7 TESDA;

8
9 (d) Completion of all the requirements for the academic program shall be
10 evidenced by the award of the appropriate academic degree;

11
12 (e) For the practice of the profession for which one has acquired the
13 necessary academic credentials through distance education, the existing
14 requirements of passing a board examination shall apply.

15
16 SEC. 8. *Mode of Delivery*. Open Learning/Distance Education may be delivered
17 using information and communications technology and other approaches, such as but
18 not limited, to the following:

19
20 (a) Print – textbooks, study guides, workbooks, course syllabi,
21 correspondence feedback, and other print formats;

22
23 (b) Audio-Visual – radio, audio cassettes, slides, film, videotapes, television,
24 telephone, fax, audio-conferencing, and video-conferencing;

25
26 (c) Electronic/Computer Technology and Virtual Classrooms – CD-ROM,
27 electronic mail, e-bulletin boards, world-wide web, E-learning or online
28 learning management systems; and

29
30 (d) Face-to-face sessions – conducted in learning and study centers.

31
32 SEC. 9. Support to Open Learning and Distance Education Programs. – The
33 CHED and the TESDA shall provide support to higher education institutions and post
34 secondary schools, respectively, with open learning and distance education programs,
35 such as, but not limited to the following:

36
37 (a) Training of qualified faculty with experience and/or training in open
38 learning and distance education materials;

39 (b) implementation of relevant curricular programs;

- 1 (c) Development of appropriate learning materials;
- 2 (d) Acquisition of technology
- 3 (e) Provision of suitable student support services;
- 4 (f) Development of suitable learning management systems or platforms;
- 5 (g) Formal linkages with other appropriate institutions that can host learning
- 6 or testing centers.

7

8 SEC. 10. Support to Students. – Any student enrolled in open learning and
9 distance education programs under the auspices of this Act, shall have access to all
10 privileges, opportunities and entitlements that a student similarly situated under the
11 conventional system of instruction may have access to, including, but not necessarily be
12 limited to, availment of scholarships, grants, and loans from the government or
13 government-administered funding sources. Specifically, higher education institutions
14 and post secondary schools engaged in open learning and education programs shall be
15 tasked to perform the following student support services:

16

- 17 (a) Provide clear admission policies and procedures for applicants;
- 18 (b) Maintain faculty-student dialogue and interactivity through virtual
- 19 classrooms linked electronically or through established learning centers or
- 20 both, whichever may be feasible, to ensure greater knowledge sharing,
- 21 access. Counseling, and the provision of other support services;
- 22 (c) Provide for an efficient and reliable communication system, feedback
- 23 mechanism, especially on learners' academic progress, and multimedia
- 24 support;
- 25 (d) Show evidence of regular monitoring of learners' progress; and
- 26 (e) Provide a wide range of relevant, updated and accessible learning
- 27 resources that are easily accessible to students.

28

29 SEC. 11. Role of the University of the Philippines Open University (UPOU). The
30 University of the Philippines Open University, hereinafter referred to as the UPOU, shall
31 be designated as the National Open University. As such, it shall:

32

- 33 (a) Provide leadership in the development of open learning and distance
- 34 education expertise in the country and in the appropriate use of
- 35 information and communications technologies in support of quality higher
- 36 education;
- 37 (b) Promote best practices in open learning and distance education in the
- 38 Philippines;

- 1 (c) Share knowledge through informed and innovative research and other
2 development activities related to distance education through its exemplar
3 policies, programs, materials, learning management systems guidelines
4 and offerings;
- 5 (d) Design model curricular programs which shall serve as prototype
6 programs upon which similar programs to be offered by other HEIs in the
7 country shall be patterned after;
- 8 (e) Assist CHED and TESDA in the formulation of national policies,
9 standards, and guidelines for distance education;
- 10 (f) Develop and promote appropriate information and communication
11 technologies to facilitate quality open learning and distance education
12 programs in the country;
- 13 (g) Design and produce quality learning materials and objects, both in print
14 and multimedia formats, for higher education instruction in the country;
- 15 (h) Make instructional materials for distance education programs accessible
16 to the public through collaborative arrangements, and other appropriate
17 mechanisms;
- 18 (i) Assist other interested educational institutions in developing their distance
19 education programs, courses, and materials for specific learner groups or
20 the public at large; and
- 21 (j) Provide technical assistance to CHED and TESDA on matters relating to
22 distance education policies, guidelines and standards, particularly in
23 implementing an accreditation system for open learning and distance
24 education programs and institutions in the country;
- 25 (k) Design and implement a continuing program to develop high level
26 expertise in the fields of open learning and distance education in the
27 Philippines through quality formal academic degree programs and non-
28 formal courses through either or both distance and face-to-face modes of
29 instruction and training; and
- 30 (l) Help capacitate distance education teachers and practitioners through its
31 capacity building and professionalization programs.

32
33 SEC. 12. Role of the Commission on Higher Education (CHED) and the
34 Technical Education and Skills Development Authority (TESDA). – The CHED and
35 TESDA shall be the respective authorities to identify the HEIs and post secondary
36 schools which shall be allowed to offer distance education programs and be given
37 allocation for the continued implementation of these programs. As such, they shall:

38

- 1 (a) Formulate, promulgate, disseminate and implement the necessary
2 policies, standards, guidelines, rules and regulations for the effective
3 implementation of distance education in the country;
- 4 (b) Formulate and implement strategies to improve the quality of distance
5 education programs and implement a system of quality control for open
6 learning and distance education in the country;
- 7 (c) Monitor and evaluate existing open learning and distance education
8 programs and effect the continuation or closure of programs in
9 accordance with the provisions of the implementing rules and regulations
10 for distance education in the country;
- 11 (d) Review and approve or disapprove proposals from higher education
12 institutions for the implementation of new distance education programs;
13 and
- 14 (e) Recommend to the Department of Budget and Management (DBM) the
15 budget for distance education programs of qualified state higher
16 education institutions and public post secondary schools based on the
17 respective monitoring and evaluation results of the CHED and TESDA.
18

19 **SEC. 13. *Role of Broadcast Media and Telecommunications Networks.*** –
20 Broadcast media and telecommunications networks are encouraged to provide as much
21 assistance and cooperation to higher education institutions offering open learning and
22 distance education programs. Such assistance may include, but not necessarily be
23 limited to, the transmission of learning materials for formal and non-formal courses to
24 learners not only within the Philippines, but also outside the country.
25

26 **SEC. 14. Tax Incentives.** – Any donation, contribution, bequest and grant, and/or
27 in cash or services which may be made by individuals, groups and organizations,
28 including but not limited to private entities such as private schools, broadcasting
29 companies, telecommunications networks and others which shall provide appropriate
30 materials, time and delivery support services for the promotion of open learning and
31 distance education in partnership with higher education institutions delivering academic
32 degree programs through distance education, shall be allowed to be fully deductible
33 from gross taxable income of the donor for income tax purposes and shall be exempt
34 from donor/s' tax and subject to such conditions as provided under the National Internal
35 Revenue Code, as amended.
36

37 **SEC. 15. *Implementing Rules and Regulations.*** – The Commission on Higher
38 Education, through its Technical Panel for Distance Education, and the Technical

1 Education and Skills Development Authority, in consultation with relevant stakeholders
2 in higher and technical education, are hereby mandated to formulate the rules and
3 regulations to implement this Act within a period of ninety (90) days from the effectivity
4 thereof.

5
6 SEC. 16. *Appropriations.* – For the initial implementation of this Act, the amount
7 of P150 Million (P150,000,000.00) shall be allocated from the President’s Social
8 Development Fund or from other sources, to the CHED, TESDA and the UPOU in this
9 proportion: forty percent (40%), forty percent (40%) and twenty percent (20%) share,
10 respectively. Thereafter, such funds necessary for the continuous implementation of this
11 Act shall be included in the respective budgetary allocations of the CHED, TESDA and
12 the UPOU in the annual General Appropriations Act.

13
14 SEC. 17. *Separability Clause.* - If any provision of this Act or any part thereof be
15 declared unconstitutional or invalid, the same shall not affect the validity of the other
16 provisions of this Act.

17
18 SEC. 18. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or
19 parts thereof which are inconsistent with the provisions of this Act are hereby repealed,
20 amended or modified accordingly.

21
22 SEC. 19. *Effectivity.* – This Act takes effect fifteen (15) days after its publication in
23 the Official Gazette or in at least two newspapers of general circulation.

24
25 *Approved,*