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SIXTEENTH CONGRESS  
First Regular Session

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S. B. No. 2155

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INTRODUCED BY SENATOR SONNY ANGARA

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**AN ACT TO EXPAND ACCESS TO EDUCATION THROUGH OPEN LEARNING AND DISTANCE EDUCATION IN POST-SECONDARY AND TERTIARY LEVELS OF EDUCATION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Recently, the Philippines registered enormous gains in the global arena. From the Ease of Doing Business Survey of the International Finance Corporation (IFC) to the World Competitiveness Yearbook (WCY) of the International Institute for Management and Development (IMD), our country has been stepping up in terms of its competitiveness rankings.

But while we jumped from 65<sup>th</sup> to 59<sup>th</sup> in the 2013 Global Competitiveness Index of the World Economic Forum (WEF), we still rank low in terms of education compared to our neighbors. Among ASEAN countries, we rank 8<sup>th</sup> out of 10 in Health and Primary Education; and 6<sup>th</sup> out of 10 for Higher Education and Training.

In 2011, the National Statistics Office reported that 1 out of every 8 Filipinos 6 to 24 years old—some 6.24 million—is considered an out-of-school youth or has not finished college or any post-secondary course. Clearly, access to education remains problematic, stifling the opportunities open to the poor and unemployed—some 12.1 million Filipinos, as reported by the SWS in February 2014.

No less than the Philippine Constitution enshrines an “educational for all” policy as a foremost national goal. On top of establishing a system of free elementary and secondary education, Article XIV, Section 1 mandates that the state should, “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.”

Open Learning and Distance Education programs in post-secondary and higher education institutions (HEIs) help widen access. Through technology and novel institutional arrangements, such programs allow youths to gain an education without the constraints of being full-time students.

The foregoing measure aims to institutionalize Open Learning and Distance Education throughout the country. Hence, it’s swift passage is earnestly sought.

  
SENATOR SONNY ANGARA

SIXTEENTH CONGRESS OF THE PHILIPPINES )  
REPUBLIC OF THE PHILIPPINES )  
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Introduced by: HONORABLE JUAN EDGARDO "SONNY" ANGARA

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**AN ACT TO EXPAND ACCESS TO EDUCATION THROUGH OPEN LEARNING AND DISTANCE EDUCATION IN POST-SECONDARY AND TERTIARY LEVELS OF EDUCATION, 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  
2           and 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. *Coverage.*** This Act shall apply to public and private higher education  
12           institutions (HEIs) and post-secondary technical/vocational schools in the Philippines  
13           which have existing open learning and distance education programs, and to other  
14           tertiary and technical/vocational institutions which shall later be authorized as qualified  
15           implementors of open learning and distance education programs.

16  
17           **SEC. 4. *Definition of Terms.*** – For purposes of this Act, the following terms are  
18           hereby defined:

19  
20           (a)       Open Learning – refers to a philosophy of learning that is quality-  
21                      assured, open to people, methods, places and ideas, and is highly  
22                      flexible and learner-centered, enabling the latter to learn at the time,  
23                      place and pace which satisfy the person's circumstances and  
24                      requirements;

25  
26           (b)       Distance Education – refers to a mode of educational delivery whereby  
27                      the teacher and learner are separated in time and space, and the  
28                      instruction is delivered through specially designed materials and  
29                      methods using appropriate technologies and learning management  
30                      systems and supported by organizational and administrative  
31                      structures and arrangements. It enables learning to take place from a  
32                      distance, virtually and differently from the conventional classroom or  
33                      traditional mode;

34

- 1 (c) Open University/College/Institution – refers to a higher education  
2 institution  
3 that is a separate, autonomous, and degree-granting academic entity  
4 which employs operational procedures and strategies of an open  
5 learning institution;  
6  
7 (d) Center/Institute/School of Distance Education – refers to a subsidiary  
8 of a higher education institution (HEI) which offers distance education  
9 programs, but is not qualified to be called an Open University, and  
10 whose degrees are awarded by the HEI;  
11  
12 (e) Higher Education Institution - refers to an institution of higher learning  
13 in the Philippines which primarily offers degree-granting programs,  
14 including post-secondary degree granting vocational and technical  
15 institution duly recognized by the Commission on Higher Education  
16 (CHED) and the Technical Education and Skills Development  
17 Authority (TESDA);  
18  
19 (f) Tertiary Education – refers to the higher learning level after high school  
20 offering baccalaureate, graduate or post-graduate programs;  
21  
22 (g) Post-Secondary Education - shall refer to non-degree technical-  
23 vocational programs accredited by TESDA; and  
24  
25 (h) Technical-Vocational Programs - refers to post-secondary certificate  
26 courses, officially recognized as non-degree programs aimed at  
27 preparing technicians, paraprofessionals and other categories of  
28 middle-level workers by providing them with a broad range of general  
29 education, theoretical, scientific and technological studies, and  
30 related job skills training.  
31

32 **SEC. 5. Institutionalization of Distance Education.** – Distance education is  
33 hereby institutionalized in the Philippines in accordance with the provisions of this Act.  
34 Due diligence is likewise encouraged in seeing to it that equivalence or comparability  
35 with existing standards in both the traditional/residential or alternative education  
36 systems is ensured.  
37

38 **SEC. 6. Admission and Other Academic Policies and Requirements.** –  
39 Admission and other academic policies and requirements in HEIs offering tertiary  
40 education through distance education programs shall be governed by a set of policies,  
41 standards and requirements set for tertiary education by duly authorized academic  
42 bodies such as Board of Regents/Trustees, University/Faculty Councils, and/or the  
43 Commission on Higher Education, and for technical-vocational courses in the post  
44 secondary level by the Technical Education and Skills Development Authority such as,  
45 but not limited to, the following:  
46

- 47 (a) Completion of secondary education;  
48  
49 (b) Passing an entrance examination given by the HEI or post-  
50 secondary school; and  
51  
52 (c) Compliance with the other admission requirements of the admitting  
53 higher education or post secondary institutions that are instituted in  
54 accordance with the standards set by the CHED and TESDA,  
55 respectively.  
56

1           **SEC. 7. Program, Curriculum and Course Development Offerings and**  
2 **Requirements.** – Course offerings and programs of distance education schools  
3 should be comparable in standards, practice and policies to other HEIs. Curricula,  
4 requirements for admission and graduation should also be at par with traditional or  
5 conventional systems, and should similarly be subject to regulations by appropriate  
6 authorities like CHED or TESDA.  
7

8           There shall be defined a set of courses/subjects and/or examinations, and/or  
9 special projects and activities, the completion of which shall be required for graduation  
10 from the academic degree program, and which shall be equivalent to those under the  
11 conventional mode of instruction. The following shall also be considered:  
12

13           (a) The place, pace, and mode of study of the student shall be at the           option  
14 and convenience of the student within the time frame as may be           prescribed  
15 by the learning institution: *Provided*, That, the content, context           and conduct  
16 of examination shall be determined by the institution;  
17

18           (b) The institution concerned shall formulate and implement a mechanism to  
19 monitor the academic progress of the students;  
20

21           (c) The curricular offerings using the open learning philosophy which are offered  
22 through the distance education mode shall conform to respective policies,  
23 standards, and guidelines for distance education of CHED and TESDA;  
24

25           (d) Completion of all the requirements for the academic program shall be  
26 evidenced by the award of the appropriate academic degree; and  
27

28           (e) For the practice of the profession for which one has acquired the  
29 necessary academic credentials through distance education, the existing  
30 requirements of passing a board examination shall apply.  
31

32           **SEC. 8. Mode of Delivery.** Open Learning/Distance Education may be delivered  
33 using information and communications technology and other approaches, such as but  
34 not limited, to the following:  
35

36           (a) Print – textbooks, study guides, workbooks, course syllabi,  
37 correspondence feedback, and other print formats;  
38

39           (b) Audio-Visual – radio, audio cassettes, slides, film, videotapes,  
40 television, telephone, fax, audio-conferencing, and video-conferencing;  
41

42           (c) Electronic/Computer Technology and Virtual Classrooms – CD-ROM,  
43 electronic mail, e-bulletin boards, world-wide web, podcasts, m-learning, i-  
44 lectures, e-learning or online learning management systems; and  
45

46           (d) Face-to-face sessions – conducted in learning and study centers.  
47

48           **SEC. 9. Support to Open Learning and Distance Education Programs.** – The  
49 CHED, TESDA and the University of the Philippines Open University (UPOU) shall  
50 provide support to higher education institutions and post secondary schools in  
51 developing and providing high quality programs and offerings in open, distance and  
52 online learning. This support includes, among others:  
53

54           (a) Training of qualified teachers, providers and other professionals;  
55

56           (b) Curriculum, courseware and program development;  
57

- 1 (c) Cyber infrastructure planning, resource sourcing and implementation;  
2  
3 (d) School operations and management planning and development,  
4 including support services, learning management systems, instructional  
5 design and development, and research on emerging technologies; and  
6  
7 (e) Institutional linkages and networking.  
8

9 **SEC. 10. Support to Students.** – Any student enrolled in open learning and  
10 distance education programs under the auspices of this Act shall have access to all  
11 privileges, opportunities and entitlements that a student similarly situated under the  
12 conventional system of instruction may have access to, including, but not necessarily  
13 be limited to, availment of scholarships, grants, and loans from the government or  
14 government-administered funding sources. Specifically, HEIs and post-secondary  
15 schools engaged in open learning and education programs shall be tasked to perform  
16 the following student support services:  
17

- 18 (a) Provide clear admission policies and procedures for applicants;  
19  
20 (b) Maintain faculty-student dialogue and interactivity through virtual  
21 classrooms linked electronically or through established learning centers  
22 or both, whichever may be feasible, to ensure greater knowledge  
23 sharing, access to counseling and other support services;  
24  
25 (c) Provide for an efficient and reliable communication system, feedback  
26 mechanism, especially on learners' academic progress, and multimedia  
27 support;  
28  
29 (d) Show evidence of regular monitoring of learners' progress; and  
30  
31 (e) Provide a wide range of relevant, updated and accessible learning  
32 resources that are easily accessible to students.  
33

34 **SEC. 11. Role of the University of the Philippines Open University.** The  
35 University of the Philippines Open University, hereinafter referred to as the UPOU,  
36 shall be designated as the National Open University. As such, it shall:  
37

- 38 (a) Provide leadership in the development of open learning and distance  
39 education expertise in the country and in the appropriate use of information  
40 and communications technologies in support of quality higher education;  
41  
42 (b) Promote best practices in open learning and distance education in the  
43 Philippines;  
44  
45 (c) Share knowledge through informed and innovative research and other  
46 development activities related to distance education through its exemplar  
47 policies, programs, materials, learning management systems guidelines and  
48 offerings;  
49  
50 (d) Provide technical assistance to CHED and TESDA on matters relating to  
51 distance education policies, guidelines and standards, particularly in  
52 implementing an accreditation system for open learning and distance  
53 education programs and institutions in the country;  
54  
55 (e) Design model curricular programs which shall serve as prototype programs  
56 upon which similar programs to be offered by other HEIs in the country shall  
57 be patterned after;

- 1  
2 (f) Develop and promote appropriate information and communication  
3 technologies to facilitate quality open learning and distance education  
4 programs in the country;  
5  
6 (g) Design and produce quality learning materials and objects, both in print and  
7 multimedia formats, for higher education and post-secondary instruction in  
8 the country;  
9  
10 (h) Make instructional materials for distance education programs accessible to  
11 the public through collaborative arrangements and other appropriate  
12 mechanisms;  
13  
14 (i) Assist other interested educational institutions in developing their distance  
15 education programs, courses, and materials for specific learner groups or  
16 the public at large; and  
17  
18 (j) Design and implement a continuing program to develop high level expertise  
19 in the fields of open learning and distance education in the Philippines  
20 through quality formal academic degree programs and non-formal courses  
21 through either or both distance and face-to-face modes of instruction and  
22 training; and  
23  
24 (k) Help capacitate distance education teachers and practitioners through  
25 capacity building and professionalization programs.  
26

27 **SEC. 12. Roles of the CHED and the TESDA.** – The CHED and the TESDA  
28 shall be the respective regulators of HEIs and post-secondary schools involved in  
29 open learning and distance education. As such, they shall:  
30

- 31 (a) Formulate, promulgate, disseminate and implement the necessary policies,  
32 standards, guidelines, rules and regulations for the effective implementation  
33 of distance education in the country;  
34  
35 (b) Formulate and implement strategies to improve the quality of distance  
36 education programs and implement a system of quality control for open  
37 learning and distance education in the country;  
38  
39 (c) Monitor and evaluate existing open learning and distance education  
40 programs and effect the continuation or closure of programs in accordance  
41 with the provisions of the implementing rules and regulations for distance  
42 education in the country;  
43  
44 (d) Review and approve or disapprove proposals from higher education  
45 institutions for the implementation of new distance education programs; and  
46  
47 (e) Recommend to the Department of Budget and Management (DBM) the  
48 budget for distance education programs of qualified state higher education  
49 institutions and public post secondary schools based on the respective  
50 monitoring and evaluation results of the CHED and TESDA.  
51

52 **SEC. 13. Roles of Broadcast Media and Telecommunications Networks.** –  
53 Broadcast media and telecommunications networks are encouraged to provide as  
54 much assistance and cooperation to higher education institutions offering open  
55 learning and distance education programs. Such assistance may include, but not  
56 necessarily be limited to, the transmission of learning materials for formal and non-  
57 formal courses to learners not only within the Philippines, but also outside the country.

1  
2       **SEC. 14. *Independent Evaluation.*** - In aid of better policy making, the CHED  
3 and TESDA shall enter into an agreement with the Department of Science and  
4 Technology (DOST) and other reputable research institutions to conduct an  
5 independent evaluation of the state, regulatory governance, quality, concerns,  
6 challenges and prospects of open learning and distance education in the Philippines. It  
7 shall survey a diverse group of HEIs with respect to size, mission and geographic  
8 distribution.

9  
10       **SEC. 15. *Interim and Final Report.*** The agreement under Section 14 shall  
11 require that the DOST submit to the CHED Chair and the TESDA Director-General,  
12 the Senate Committee on Education, Culture and the Arts, and the House Committee  
13 on Higher and Technical Education the following:

14  
15           (a) An interim report regarding the evaluation under Section 14 not later  
16 than six (6) months after the date of enactment of this Act; and

17  
18           (b) A final report regarding such evaluation not later than one (1) year after  
19 the date of the enactment of this Act.

20  
21       **SEC. 16. *Tax Incentives.*** - Any donation, contribution, bequest and grant, in  
22 cash and/or services which may be made by individuals and organizations, including,  
23 but not limited, to private entities such as private schools, broadcasting companies,  
24 telecommunications networks which shall provide appropriate materials, time and  
25 delivery support services for the promotion of open learning and distance education in  
26 partnership with HEIs delivering academic degree programs through distance  
27 education, shall be exempt from the donor's tax and the same shall be considered as  
28 allowable deduction from the gross income in the computation of the income tax of the  
29 donor in accordance with the provisions of the National Internal Revenue Code of  
30 1997, as amended.

31  
32       **SEC. 17. *Implementing Rules and Regulations.*** - The CHED, through its  
33 Technical Panel for Distance Education, the Technical Education and Skills  
34 Development Authority, and the UPOU, in consultation with relevant stakeholders in  
35 higher and technical education, are hereby mandated to formulate the rules and  
36 regulations to implement this Act within a period of ninety (90) days from the effectivity  
37 thereof.

38  
39       **SEC. 18. *Appropriations.*** - The amount necessary to carry out the provisions of  
40 this Act shall be included in the respective budget of the CHED, TESDA, UPOU and  
41 higher education institutions and post-secondary technical/vocational schools which  
42 have existing open learning and distance education programs in the annual General  
43 Appropriations Act.

44  
45       **SEC. 19. *Separability Clause.*** - If any provision of this Act or any part thereof be  
46 declared unconstitutional or invalid, the same shall not affect the validity of the other  
47 provisions of this Act.

48  
49       **SEC. 20. *Repealing Clause.*** - All laws, decrees, orders, rules and regulations or  
50 parts thereof which are inconsistent with the provisions of this Act are hereby  
51 repealed, amended or modified accordingly.

52  
53       **SEC. 21. *Effectivity.*** - This Act shall take effect fifteen (15) days after its  
54 publication in a newspaper of general circulation.

55  
56 **Approved,**