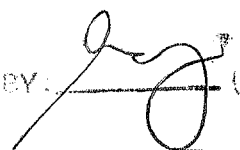


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SENATE
S. No. 1068

RECEIVED BY: 

Introduced by Senator Edgardo J. Angara

EXPLANATORY NOTE

There is a severe shortage of school buildings and classrooms throughout the country. Classroom and school building construction remains critically low and cannot keep pace with growths in enrolment rates.

For the period of 1997-2000, enrolment at the elementary level grew by 1.85% or 228,000 pupils per annum on average and 1.47% or 75,000 students per year at the secondary level. While enrolment increased by 2.51% in 1998, the DECS real budget grew by only 1.7%.

Almost 80% of DECS budget goes to personal services leaving too little for the purchase of basic inputs leaving too little for construction of classrooms and other basic facilities.

As it stands, the classroom backlog is severe. Many towns throughout the country do not have a public high school where school-aged children can study. Numerous barangays do not have public elementary schools. The lack of classrooms and schools makes going to school more costly for parents – and less feasible.

It is not surprising that dropout rates remain alarmingly high. Out of every hundred Filipino children who enter Grade One, only 69 reach grade 6, and 48 complete high school, and 18 finish college. The dropouts come mostly from the poorest regions – like Bicolandia and Eastern Visayas – which have also fallen way behind the other regions in development.


With the School building Act of 2000, we expect to refocus the DECS budget back to basics in order to provide basic, accessible and affordable education to our countrymen. And with innovative building schemes such as Build-Operate-and-Transfer and through partnerships with the private sector and local government units, additional funds could be sourced in order to ease the severe and critical classroom backlog.

The bill provides for an Emergency School building fund amounting to 15 billion pesos, which will be released and utilized for a period of five years. The Five-Year School building Program targets to eliminate the classroom shortages for a definite period of time.

For the abovementioned reasons, the immediate approval of this bill is earnestly sought.


EDGARDO J. ANGARA

SENATE
S. No. 1068



Introduced by Senator Edgardo J. Angara

AN ACT
PROVIDING FOR A FIVE-YEAR EMERGENCY SCHOOL BUILDING
PROGRAM, APPROPRIATING FUNDS THEREFOR

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

Section 1. Short Title. This Act shall be known as the "School Building Act of 2001."

Section 2. Declaration of Policy. It is the declared policy of the State to establish, maintain, and support a complete, adequate and integrated system of education relevant to the needs of the people society. Towards this end, it is imperative that there be a complete elementary school in every barangay and a complete high school in every town, in order that primary and secondary education be made available and accessible to all citizens in all geographical areas of the country.

In the choice of location of school buildings, the economic principle of comparative advantage shall always be adhered to.

Section 3. Implementing Agency. For purposes of this Act, the Department of Education, Culture and Sports ("DECS") shall undertake the construction of the following:

1. Fifteen thousand (15,000) additional classrooms every year for a period of five years, in order to address the classroom backlog in various parts of the country;
2. One elementary school for every barangay which does not have a public elementary school at the time of passage of this Act; and
3. One high school for every town, which does not have a public high school at the time of passage of this Act.

Provided, that the DECS shall undertake the construction of new school buildings, rehabilitation, replacement, completion and repair of school buildings which targets the current backlog as defined in the National Inventory of School Building shortage. Provided, further that the DECS shall finish the construction, rehabilitation, and repair of school buildings under this Act within five years from the passage hereof.

Section 4. School Building mapping. The DECS shall undertake a nationwide annual inventory of school buildings which will determine the extent of shortage of classrooms in each division including those which are funded by the local government units, private sector and national government. The DECS shall develop a school building construction workplan for a period of five years which will include the priority areas for construction, rehabilitation and repair of school buildings for the next five years as well as the budgetary requirements needed to implement the work plan.

Section 5. Simplified Public Bidding. The construction, repair, rehabilitation, improvement, or maintenance of schoolbuildings under this Act shall follow the Commission on Audit (COA) rules on simplified public bidding.

Section 6. Other School building Construction Schemes. The Government shall also encourage the construction of school buildings under this Act through other viable schemes for the construction of school buildings such as build-operate-transfer, build-transfer and other schemes that will fast-track the construction of schoolbuildings.

Section 7. Monitoring and Evaluation. An Oversight Committee composed of the Secretary of Education, Culture and Sports as Chairman, the Chairmen of the Senate and House Committees on Education as Co-Vice Chairmen, and the heads of the Bureau of Secondary Education ("BSE") and Bureau of Elementary Education ("BEE"), and the Regional Directors of DECS shall monitor the implementation of this Act; Provided, that the Oversight Committee shall meet quarterly to determine areas in critical need of additional classrooms and schoolbuildings.

The DECS shall establish School building Task Force at the central, regional and division offices to monitor the construction of the school buildings so as to ensure that the buildings meet the minimum requirements and standards set by the DECS.

Section 8. Exemption from Election Ban. The repair, maintenance and rehabilitation of schoolbuildings as well as BOT schoolbuilding projects shall be exempted from the scope of the election ban on public works.

Section 9. Local Government Unit Participation. DECS shall coordinate with local government units (the "LGUs") where the schoolbuildings shall be located, in order to identify priority locations that take into account the number of school-age children without access to adequate public school facilities.

Construction of schoolbuildings and classrooms shall be a priority investment of the LGUs which shall provide a counterpart of not less than ten percent (10%) of the project cost subject to their IRA level.

Section 10. Private Sector Participation. Private individuals, corporations, foundations and civic societies (the "Private Proponent") may undertake the construction of school buildings or classrooms in an area within the Region which the Oversight Committee designates as deficient in school buildings and classrooms. The Private Proponent may apply in payment of taxes due from it to the government an amount equivalent to 100% of the school building and classroom construction works it may have undertaken with the prior approval of the Oversight Committee under such terms and conditions as the Oversight Committee may determine and in consultation with other government agencies concerned, provided that:

(i) the title to all such construction works shall, upon completion, be transferred to the Philippine Government; and

(ii) should the Private Proponent undertake necessary and major maintenance work on schoolbuildings and classrooms with the prior approval of the Oversight Committee, a similar incentive shall be given to it in an amount equivalent to the cost of such necessary maintenance.

Provided, that in cases where the Oversight Committee may certify that construction of school buildings or classrooms, or the rehabilitation thereof is urgently needed in specific areas, the Private Proponent undertaking the construction or rehabilitation may apply in payment of taxes due from it to the government an amount equivalent to 200% of the construction work it may have undertaken with the prior approval of the Oversight Committee.

Section 11. Emergency School building Fund. An amount of Fifteen Billion Pesos (P15,000,000,000) shall be set aside for the Emergency School building Fund, which shall be used for classroom construction, repair and rehabilitation for a period of five years as mandated by this Act. An initial amount of Three Billion Pesos (P3,000,000,000) shall be released to the DECS on the first quarter of the calendar year following the year of the effectivity of this Act, including its notice of cash allocation to administer the program.

Provided, that the Emergency School Building Fund shall be utilized without prejudice to the annual DECS capital outlay provided under the General Appropriations Act. Provided further, that the appropriations provided for in this Act shall be used only during the five-year period of the implementation of this Act. Provided, finally, that after the five-year period, the funding for the school building program, which targets annual incremental increase in enrolment, shall be taken from the regular DECS capital outlay.

Section 12. Use of Appropriation. The Oversight Committee shall define the guidelines on how to allocate the Emergency School building Fund equitably throughout the country. Provided that the primary objective in the use of any allocation shall be to eliminate classroom shortages in a period of five years

Section 13. Filing of report. — The Secretary of Education, Culture and Sports shall file with the Office of the President of the Philippines and with the Senate and House of Representatives a detailed report on the progress of construction of school buildings and classrooms on May 15th of each year.

SECTION 14. Implementation. — The Secretary of Education, Culture and Sports in coordination with the Department of Budget and Management is hereby directed to promulgate rules and regulations necessary for the immediate implementation of this Act.

SECTION 15. Separability clause. — If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

SECTION 16. Repealing clause. — All laws, presidential decrees, executive orders and letters of instruction contrary to or inconsistent with this Act are hereby repealed or amended accordingly.

SECTION 17. Effectivity clause. — This Act shall take effect upon its publication in two newspapers of general circulation.

Approved,