

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

'04 SEP 20 P 3:09

SENATE

RECEIVED BY: \_\_\_\_\_ 

Senate Bill No. 1701

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Introduced by Senator Madrigal

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EXPLANATORY NOTE

Acknowledging the vital role of education in the growth and development of each and every person and the direct relationship thereof to the development of the State itself, the illustrious framers of the Constitution thus enshrined the people's "right to education" in Article XIV Section 1 of the 1987 Constitution which was crafted to read as follows –

The State shall protect and promote the right of all citizens to quality education at all levels of education and shall take appropriate steps to make such education accessible to all.

In light thereto, it must be noted that the "right to education" is a right that is afforded to *all* persons, with no qualifications whatsoever. *A fortiori* an equal treatment must be imparted to each and every person invoking their right to quality education regardless of their social standing, level of intelligence, race, beliefs or physical disabilities *inter alia*.

Further, as important may the State's duty to protect and promote the rights of all citizens to quality education is, of greater importance is its concurrent duty to – "take appropriate steps to make such education accessible to all."

The *raison d'être* being that the first prescribed duty presupposes that such citizens are, at the very least, already receiving education. On the other hand, the second prescribed duty presupposes the absolute absence of education such that to make "accessible" must be understood to mean to make "available." Thus, its greater importance may be taken from the principle of social justice underlying our Constitution which provides that – to a person who has less in life, more should be afforded in law.

Prescinding therefrom, it would appear that the State has been untrue to its constitutional mandate by far. For as a matter of glaring and lamentable fact, public educational centers for the disabled may only be found in Metro Manila.

Thus, disabled individuals residing in the provinces would then have to travel all the way to the Capitol just to receive a decent education. Further, as a natural consequence to their arrival, not only would such disabled individuals have to subject themselves to the hazards of the Metro but likewise, they have to carry the burden of meeting the significantly higher attendant costs.

Moreover, in light of the premise that most disabled persons in the provinces are likewise underprivileged and cannot afford the said mentioned expenses of the city, they are thus left with no other option but to either stay in their respective regions and be left wanting of education; or to go to some isolated non-government institution that are usually lacking in space, teachers, and support service facilities – that is, if such even exists at all.

Apropos to the foregoing, no other conclusion may be had save that there exists a blatant failure on the part of the State to provide for the educational needs of such disabled and likewise unprivileged persons whose "right to education" can be deemed violated.

Hence, as the prevailing need for the government to properly address and attend to the educational needs of such disabled individuals is long past overdue – it is about time that the cloud of unconstitutionality be lifted and what is due such persons be finally conferred. For as it should be recalled, such disabled individuals have, as they have done so many times in the past – proven that they too can be productive citizens who can significantly contribute to our country's economic growth and development.

In view of the foregoing, the immediate passage of this bill is earnestly recommended.

  
M.A. MADRIGAL

THIRTEENTH CONGRESS OF THE }  
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AN ACT  
ESTABLISHING REGIONAL EDUCATION CENTERS FOR THE  
DISABLED AND FOR OTHER PURPOSES

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

1 SECTION 1. *State Policy.* – It is hereby declared the policy of the State to  
2 foster the mental and physical development of disabled individuals through the  
3 establishment of appropriate educational institutions in every region of the country  
4 under the control and supervision of the Department of Education.

5 SEC. 2. *Division for the Education of the Disabled.* – There is hereby created a  
6 separate Division for the Education of the Disabled in each and every Regional Office  
7 of the Department of Education which shall be specially tasked to ensure and  
8 enhance the education of disabled individuals in both elementary and high school  
9 levels: *Provided,* That such division shall be subject to the supervision of the Secretary  
10 of Education.

11 SEC. 3. *Regional Educational Centers for the Disabled.* – The Secretary of  
12 Education shall establish Regional Educational Centers for the Disabled within one  
13 year from the effectivity of this Act, as far as it may be practicable to do so: *Provided,*  
14 That the Secretary of Education should, periodically or immediately upon request,

1 furnish a report as to the status of each and every said regional center to the President  
2 and the appropriate Committees of both Houses of Congress.

3       SEC. 4. *Subsidy to Non-Government Organizations* – Pending the completion  
4 or establishment of a particular region's Regional Educational Center for the Disabled  
5 referred to in the immediate preceding section and should the situation warrant, the  
6 Secretary of Education may designate any existing and qualified Non-Government  
7 Organization (NGO) to operate a school for the disabled in such region as a  
8 participating unit entitled to governmental subsidies.

9       SEC. 5. *Supervision and Monitoring of NGOs.* – NGOs given subsidies, as  
10 referred to in the immediate preceding section, shall be subject to the Department of  
11 Education's inspection and supervision and shall be under strict monitoring by the  
12 Division for the Education of the Disabled created under Section 2 of this Act.

13       SEC. 6. *Non-Discrimination Clause.* – Graduates of such Regional Educational  
14 Center for the Disabled shall be eligible for entry into any college or university duly  
15 accredited by the Department of Education, and any discrimination against such an  
16 applicant shall subject the particular learning institution to disciplinary measures such  
17 as, but not limited to, the revocation of its permit to operate.

18       SEC. 7. *Employee Benefits.* – Faculty and service support personnel of such  
19 Regional Educational Center for the Disabled shall be entitled to all the benefits of  
20 DECS personnel, subject to civil service laws and regulations.

21       SEC. 8. *Implementing Rules.* – The Secretary of the Education shall  
22 promulgate the appropriate rules and regulations to carry out the provisions of this  
23 Act: *Provided,* That the effectivity of sure rules which the Secretary of Education shall  
24 promulgate shall be subject to the approval of Congress.

25       SEC. 9. *Construction of this Act.* – In the construction and application of the  
26 provisions of this Act and its implementing rules, the interpretation that would be  
27 beneficial or favorable to the disabled shall be accordingly pursued.

1           SEC. 10. *Funding.* – The funds necessary for the implementation of this Act  
2 shall be charged to the current fiscal year of the Department of Education and,  
3 thereafter, in succeeding General Appropriation Acts.

4           SEC. 11. *Repealing Clause.* – All laws, decrees, orders, rules and regulations,  
5 policies, programs or parts thereof, that are inconsistent with any of the provisions of  
6 this Act, are hereby repealed, amended or modified accordingly.

7           SEC. 12. *Separability Clause.* – If for any reason, any section or provisions of  
8 this Act is declared to be unconstitutional or invalid, the other sections or provisions  
9 hereof, which are not affected hereby, shall continue in full force and effect.

10           SEC. 13. *Effectivity.* – This Act shall take effect fifteen (15) days following its  
11 publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,