

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

5 FEB 28 P 1:14

SENATE
S. No. 1935

RECEIVED BY: _____

Introduced by Senator Richard J. Gordon

EXPLANATORY NOTE

The country is besieged by a multitude of problems, but none as tremendous and far-reaching as the critical condition of our educational system today. The substandard quality of our teachers, the dismal performance of our students, and the staggering shortage in classrooms and educational materials are roadblocks that keep us from moving forward. Thus, keeping in mind that it is the avowed policy of the State, embodied in Section 17, Article II of the Constitution, to "give priority to education, science, and technology," it is in pursuit of this mandate that we must focus on improving the system of our schools and the education of our children for the future.

First, our teachers - entrusted with the primary responsibility for the education of our children - are painfully inadequate in both quality and quantity. An alarming **81%** of the country's teachers **failed** the English Proficiency Test, an exam that measures their reading comprehension, verbal and oral skills. They are educators who cannot educate. They need to be *trained and re-trained, year in and year out, and be kept up to date on developments in their respective fields - particularly information technology - so that excellence eventually becomes the norm.*

Second, our students - the hope and future of our nation - are undernourished and undereducated. They are faring miserably in English, Math and Science. A miniscule **0.64%** of incoming high school students obtained a mark of 75% or higher in the 2004 High School Readiness Test. The country ranks 43rd out of 45 countries in math and science proficiency. Considering that the nation's children must contend with poverty, learn their lessons on an empty stomach, attend class under an acacia tree, and listen to teachers whose competencies leave much to be desired, their poor performance is unsurprising, but more importantly, unacceptable and deserving of urgent remedial attention.

Finally, our educational resources are sorely lacking. As of 2004, in order to meet the target classroom-student ratio of 1:45, the country needs 32.315 Billion pesos to construct an additional 55,145 classrooms, hire 20,874 teachers and purchase 26.85 million textbooks. Given the looming fiscal crisis, we therefore need to adopt innovative means to augment the

budget of the education sector, to ensure that they are equipped to provide the necessary services, which we as a nation, and as a matter of national policy, have identified as crucial to national development.

We MUST act. This bill seeks to address the foregoing needs, by ushering in a new era for education through the creation of the Philippine Education Rehabilitation Corporation, a government corporation whose mission is to bridge the gap between the above-mentioned educational demands and the nation's meager supply. And anchored on the principle of short-term sacrifice for long-term gain, this bill seeds to tap the already existing text-messaging phenomenon as a source of funds earmarked solely for education – one of the most basic needs of our people – for a limited term of only 5 years, to fund the most urgent revitalization of our education sector.

Given these pressing reasons, the prompt passage of this law is earnestly sought.



RICHARD J. GORDON
Senator

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AN ACT
CREATING THE PHILIPPINE EDUCATION REHABILITATION CORPORATION,
ESTABLISHING THE SPECIAL EDUCATION REVITALIZATION FUND, AND FOR
OTHER PURPOSES

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

1 **SECTION 1. Short Title.** - This Act shall be known as the "Education
2 Revitalization Act."

3 **Sec. 2. Declaration of Policy.** - It is hereby declared the policy of the
4 State to give priority to education by responding to the overriding need for
5 nationwide educational rehabilitation and revitalization, through the creation of
6 an independent body dedicated to addressing the educational gaps,
7 concretizing the country's education programs and plans, and ensuring the
8 proper administration and use of funds earmarked solely for education.

9 The State further recognizes that education is the key to conquering
10 poverty, that an educated public is crucial to the long-term development of the
11 nation, and that it is imperative that we remove the enormous disparities with
12 our foreign counterparts with respect to educational access and achievement
13 by constructing additional school buildings or classrooms, augmenting the
14 training of our teachers, and procuring all other educational materials
15 necessary to improving the quality of education.

16 **Sec. 3. Philippine Education Rehabilitation Corporation.** - There is
17 hereby created a body corporate to be known as the Philippine Education
18 Rehabilitation Corporation (hereinafter referred to as the "Corporation") to
19 carry out the purposes of this Act. The Corporation shall be an independent
20 government instrumentality attached to the Department of Education for

1 administrative purposes only. The Corporation shall exist for a limited term of
2 five (5) years, or only until such time that the Education Revitalization Plan in
3 Section 6 of this Act has been carried out.

4 **Sec. 4. Board of Directors.** The powers of the Corporation shall be vested
5 in and exercised by a Board of Directors, composed of a Chairperson and six
6 (6) members from the private and public sectors, as follows: one (1)
7 representative from the business sector, two (2) representatives from the
8 education sector, one (1) representative from the construction industry, and in
9 an *ex-officio* capacity, the Secretary of the Department of Education and the
10 Secretary of the Department of Science and Technology; *provided*, that the
11 Chairperson and members of the Board of Directors shall be persons of proven
12 integrity, independence, and administrative proficiency, and fully committed to
13 the objectives of this Act.

14 Such amount as may be necessary for the initial organization and/or
15 operational expenses of the Corporation shall be set aside from the special
16 fund herein created; *provided*, such amount shall not exceed one percent (1%)
17 of the Fund.

18 **Sec. 5. Powers and Functions.** — The Corporation shall exercise the
19 following powers and functions:

- 20 (1) To control, administer, and manage the Fund in accordance with this
21 Act;
- 22 (2) To acquire, manage and hold such real and personal property as may
23 be necessary to carry out the purposes and objectives of this Act;
- 24 (3) To enter into, make, perform and carry out contracts of every class,
25 kind and description which are necessary to the realization of its
26 purposes with any person, firm or corporation, private or public;
- 27 (4) To apply for, receive and accept grants and donations and other
28 conveyances by gratuitous title, including funds, materials, equipment
29 and services needed to accomplish its objectives under this Act;
- 30 (5) To construct, acquire, operate or maintain on its own or through
31 contract, build-operate-transfer scheme or joint-venture, the required
32 utilities and infrastructure necessary for the accomplishment of the

1 objectives of this act, including but not limited to schools, classrooms,
2 and teacher-training camps, in conformity with existing applicable laws;

3 (6) To adopt, alter and use a corporate seal; to contract, lease, sell,
4 dispose, acquire and own properties; to sue and be sued in order to carry
5 out its duties and functions as provided for in the Act; and to exercise the
6 power of eminent domain for public use and public purpose;

7 (7) To call upon and coordinate with other government and non-
8 government educational institutions and agencies for assistance in any
9 form;

10 (8) To promulgate rules, regulations and undertake any and all
11 measures as may be necessary to implement this Act.

12 **Sec. 6. Education Revitalization Plan.** – The Corporation shall, within
13 three (3) months from the effectivity of this Act adopt and immediately cause to
14 be implemented a five-year Education Revitalization Plan which shall specify
15 the projects to be completed by the Corporation every year in accordance with
16 target areas identified by the Department of Education, such as but not limited
17 to the construction of classrooms, new or improved teacher-training programs,
18 and the acquisition of educational materials. The Plan shall be subject to
19 annual review by the Board of Directors.

20 **Sec. 7. Special Education Revitalization Fund.** – A Special Education
21 Revitalization Fund (the “Fund”) is hereby established, earmarked solely and to
22 be used exclusively for the purposes stated herein.

23 For the purposes of this Act, there shall be levied, assessed and
24 collected on all local mobile phone text messages a tax of one peso (₱ 1.00)
25 per message sent, for a limited period of five (5) years from the effectivity of
26 this Act. All proceeds from the tax shall accrue exclusively to the Fund.

27 *Government corporations are also hereby authorized to give grants to the*
28 *Fund. All amounts and proceeds from donations and other conveyances*
29 *including funds, materials, property and services, by gratuitous title shall also*
30 *accrue exclusively to the Fund.*

31 With the exception of the amount set aside for the initial organization
32 and/or operational expenses of the Corporation under section 4, all amounts
33 accruing to the Fund shall be earmarked solely and used exclusively for the

1 construction and/or repair of school buildings, facilities, classrooms and
2 equipment; hiring and training or re-training of teachers; implementation of in-
3 school health and nutrition or feeding programs; and the purchase of books or
4 other educational materials. No money shall be released without any identified
5 program and/or project, nor shall it be used to pay obligations incurred before
6 the approval of this Act.

7 At no time shall any portion of the Fund be used to augment
8 maintenance and other operating expenses of any other national government
9 agency, government owned or controlled corporation, local government units or
10 their subdivisions.

11 **Sec. 8. Report to Congress.** – The Corporation shall submit to the
12 Department of Education and to Congress a detailed quarterly report on the
13 funds allocated, indicating the amount released, obligated and disbursed
14 under this Act, including but not limited to funds for the construction or repair
15 and reconstruction of infrastructure projects, the list of contractors and
16 projects being financed, and the accomplishments for the expended
17 appropriation, including the percentage of completion.

18 The Corporation shall also submit as part of the quarterly report a list of
19 all donors and the nature of their donations.

20 The Corporation shall cause to be disseminated in the community the list
21 of beneficiaries and contractors mentioned above.

22 **Sec. 9. Congressional Oversight Committee.** – There is hereby created a
23 Congressional Oversight Committee, which shall be composed of three (3)
24 representatives each from the Senate and House of Representatives, to be
25 appointed by the Senate President and the Speaker of the House of
26 Representatives, to monitor the implementation of this Act. The Committee
27 shall conduct an annual review of this Act in aid of legislation.

28 **Sec. 10. Repealing Clause.** – All laws, decrees, orders, rules and
29 regulations or other issuances or parts thereof inconsistent with the provisions
30 of this Act are hereby repealed or modified accordingly.

31 **Sec. 11. Separability Clause.** – If any portion or provision of this Act is
32 declared unconstitutional, the remainder of this Act or any provisions not
33 affected thereby shall remain in force and effect.

1 **Sec. 12. Effectivity.** – This Act shall take effect after fifteen (15) days
2 following the completion of its publication either in the Official Gazette or in a
3 newspaper of general circulation in the Philippines.

4 Approved,

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