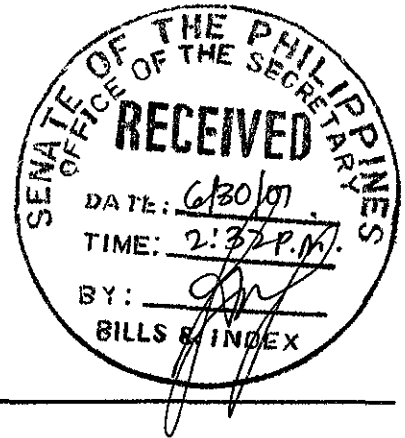


FOURTEENTH CONGRESS OF THE REPUBLIC)  
OF THE PHILIPPINES )  
First Regular Session )

SENATE  
S. No. 146



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Introduced by **Senator Richard J. Gordon**

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### 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 11 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 43<sup>rd</sup> 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. There are even reports that in SY 2006-2007, there was an actual gap of 41,197 classrooms for the 1:45 ratio, a shortage of 10,517 teachers, 1.5 million seats, and 41.32 million textbooks. Altogether, closing the gap would need 22.88 Billion Pesos. And while the classroom backlog went down to 29,321 this year, that of the teaching posts reached 16,390. We therefore need to adopt innovative means to augment the budget of the education sector, to ensure that they are equipped to provide 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 seeks 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.

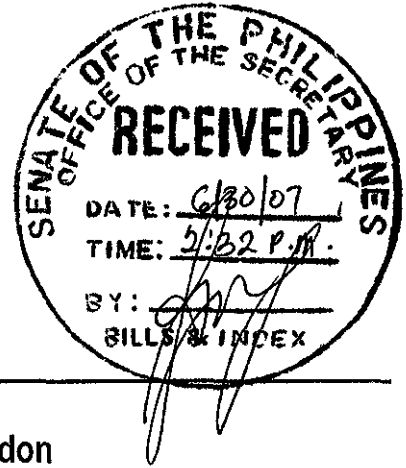
Given these pressing reasons, the prompt passage of this law is earnestly sought.



**RICHARD J. GORDON**  
Senator

FOURTEENTH CONGRESS OF THE REPUBLIC)  
OF THE PHILIPPINES )  
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**AN ACT TO REVITALIZE PHILIPPINE EDUCATION BY  
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 Revitalization  
2 Act of 2007.”

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

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

14           **Sec. 3. Philippine Education Rehabilitation Corporation.** – There is hereby  
15 created a body corporate to be known as the Philippine Education Rehabilitation  
16 Corporation (hereinafter referred to as the “Corporation”) to carry out the purposes of this  
17 Act. The Corporation shall be an independent government instrumentality attached to the  
18 Department of Education for administrative purposes only. The Corporation shall exist for a

1 limited term of five (5) years, or only until such time that the Education Revitalization Plan in  
2 Section 6 of this Act has been carried out.

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

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

15 **Sec. 5. Powers and Functions.** – The Corporation shall exercise the following  
16 powers and functions:

17 (1) To control, administer, and manage the Fund in accordance with this Act;

18 (2) To acquire, manage and hold such real and personal property as may be  
19 necessary to carry out the purposes and objectives of this Act;

20 (3) To enter into, make, perform and carry out contracts of every class, kind and  
21 description which are necessary to the realization of its purposes with any person, firm or  
22 corporation, private or public;

23 (4) To apply for, receive and accept grants and donations and other conveyances by  
24 gratuitous title, including funds, materials, equipment and services needed to  
25 accomplish its objectives under this Act;

26 (5) To construct, acquire, operate or maintain on its own or through contract, build-  
27 operate-transfer scheme or joint-venture, the required utilities and infrastructure  
28 necessary for the accomplishment of the objectives of this act, including but not limited to  
29 schools, classrooms, and teacher-training camps, in conformity with existing applicable  
30 laws;

31 (6) To adopt, alter and use a corporate seal; to contract, lease, sell, dispose, acquire  
32 and own properties; to sue and be sued in order to carry out its duties and functions as

1 provided for in the Act; and to exercise the power of eminent domain for public use and  
2 public purpose;

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

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

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

14 **Sec. 7. Special Education Revitalization Fund.** – A Special Education  
15 Revitalization Fund (the “Fund”) is hereby established, earmarked solely and to be used  
16 exclusively for the purposes stated therein.

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

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

24 With the exception of the amount set aside for the initial organization and/or  
25 operational expenses of the Corporation under section 4, all amounts accruing to the Fund  
26 shall be earmarked solely and used exclusively for the construction and/or repair of school  
27 buildings, facilities, classrooms and equipment; hiring and training or re-training of teachers;  
28 implementation of in-school health and nutrition or feeding programs; and the purchase of  
29 books or other educational materials. No money shall be released without any identified  
30 program and/or project, nor shall it be used to pay obligations incurred before the approval  
31 of this Act.

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

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

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

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

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

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

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

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

28 Approved,