


FOURTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

8 MAY -6 1987

SENATE
S.B. **2247**

RECEIVED BY: 

Introduced by Senator Villar

Explanatory Note

Section 1, Article XIV of the 1987 Constitution mandates that the State shall “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. Towards this end, the Constitution further provides that the State shall establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society and that the State shall encourage non-formal, informal and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs particularly those that respond to the community levels (*Sec. 2, Art. XIV, 1987 Constitution*).

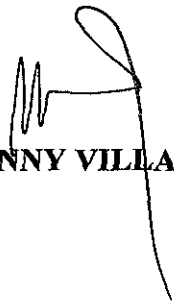
While the government continuously labors towards upholding these constitutional mandates, it is a sad reality that it encounters difficulty in providing quality and accessible education to all due to budgetary constraints resulting in the lack of classrooms and teachers. On the other hand, on the part of the a great number of our poor Filipino families, it is unfortunate that they cannot afford the everyday expenses involved (e.g. daily allowances for transportation, meals and other school-related incidental expenses) in sending their children to tertiary education the traditional way. In the preceding years, we have witnessed the decline in the quality of education and the significant increase in the number of students not pursuing and/or finishing higher education. In addition, many of our young people necessarily had to leave school and shelve their dream of acquiring college degree for them to work in low-paying jobs to help in the upkeep of their families.

The Open Learning and Distance Education could be a suitable response to this reality. This System has minimal need for classrooms and teachers, it does not entail daily school expenses/allowances on the part of the student and it will enable the student to pursue work or earn a living to help their families while studying. Unlike traditional education in which one goes to school regularly to meet teachers and classmates, a student availing himself or herself of distance learning can attend classes while at home or in the workplace with the use of modules, e-mail, chat and video conference to name a few. Like the traditional learning experience, distance education follows a curriculum. There are deadlines set for the inputs of the students but studying can be done at ones pace. To ensure efficiency and quality, mechanisms are employed to monitor and ensure the academic progress of the students.

This bill seeks to strengthen and regulate the offering of open learning and distance education in the country. This innovative delivery of education to learners could make higher education accessible to a great number of our people pursuant to the

Constitutional mandate. As long as the necessary support for the efficient implementation of the system as enunciated in the bill are followed, open learning and distance education could well serve as effective engines to develop our people and nation.

Early approval of the bill is earnestly recommended.




MANNY VILLAR

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

8 MAY -6 P2:11

**SENATE
SB 2247**

RECEIVED BY: 

Introduced by Senator Villar

1

2

AN ACT

**3 STRENGTHENING THE OPEN LEARNING SYSTEM OF HIGHER EDUCATION
4 IN THE PHILIPPINES, APPROPRIATING FUNDS THEREFOR AND FOR
5 OTHER PURPOSES**

6

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

9

10 SECTION 1. *Short Title.* – This Act shall be known as the Open Tertiary
11 Education Act of 2008.

12

13 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the
14 State to expand and further democratize educational opportunities for our
15 people in a more effective and economical manner through the utilization of
16 innovative educational technologies. In view thereof, the State recognizes the
17 open learning system as a necessary mode to widen access to quality tertiary
18 education even as it guarantees academic freedom of higher education
19 institutions on what to teach and how to teach.

20

21 SEC. 3. *Definition of Terms.* – For purposes of this Act, the following
22 terms are hereby defined:

23

24 “(a) Open Learning System - A philosophy of learning that is highly
25 flexible and learner-centered, that is the conditions for learning are controlled

1 by the learner, thus enabling him to learn at the time, place and pace which
2 satisfy his circumstances and requirements. It includes Expanded Tertiary
3 Education, Equivalency and Accreditation Program (ETEEAP), prior learning,
4 portfolio learning, non-traditional, or sorts of prior learning that could be
5 submitted for formal recognition.

6
7 “(b) Distance Education - A system of delivering educational services
8 to students who are disadvantaged by limited time, distance, or physical
9 disability, among others, through the use of specially designed materials and
10 methods and supported by organizational and administrative structures and
11 arrangements. It is characterized by the separation of learner and teacher, the
12 influence of an organization, the possibility of occasional meetings and face-to-
13 face interactions, the recourse to an industrialized form of education, and the
14 use of technical media such as print, radio, audio, video and computers.

15
16 “(c) Open University - A university which makes use of the open
17 learning system by offering distance education programs at the tertiary level to
18 students who cannot complete their education using the traditional mode.

19
20 Sec. 4. *Coverage.* This Act shall apply to public and private higher
21 education institutions with existing open learning programs and to other
22 institutions which shall later be authorized as qualified implementers of the
23 System.

24
25 SEC. 5. *Admission Requirements.* - Admission to an open tertiary
26 education shall be governed by these admission requirements:

27
28

1 a. Completion of high school education evidenced by a high school
2 certificate/transcript of records shall be required for admission;
3 and

4
5 b. Admission requirements by the admitting educational institution
6 shall be instituted in accordance with standards set by the
7 Commission on Higher Education (CHED).

8
9 SEC. 6. *Program Requirements.* – There shall be defined a set of courses
10 (subjects) and/or examinations, the completion of which shall be required for
11 graduation from a program, and which shall be equivalent to those under the
12 formal system.

13
14 a. The place, pace and mode of study shall be done at the option and
15 convenience of the student, except in the case of examinations whose
16 context, content and conduct shall be determined by the institution.

17
18 b. The Commission on Higher Education and/or the institution
19 concerned shall develop and implement a mechanism to monitor the
20 academic progress of the students.

21
22 c. The programs to be offered and the curricula to be implemented
23 under the open tertiary education shall conform with the CHED's
24 updated policies and guidelines on open learning and distance
25 education.

26
27 d. Completion of a program shall be evidenced by the award of the
28 appropriate certificate or diploma.

29

1 e. For the practice of the profession for which one has acquired the
2 necessary academic credentials in the Open Tertiary Education,
3 the existing requirements of passing a board or exams shall apply.
4

5 SEC. 7. *Mode of Delivery.* - Open Learning System /Distance Education
6 may be delivered using the following:

7 (a) Media

8 1. Print – textbooks, study guides, workbooks, course syllabi,
9 correspondence feedback, and other print formats;

10 2. Audio-Visual - radio, audio cassette tapes, slides, film,
11 videotapes, television, telephone, fax, audio-conferencing,
12 video-conferencing;

13 3. Electronic/Computer Technology - CD-ROM, electronic mail, e-
14 bulletin boards, world-wide web, E-learning or online delivery of
15 education; and

16 4. Face-to-face sessions.
17

18 (b) Autonomous open learning/distance education institutions or
19 independent open learning/distance education departments of a
20 conventional or traditional institute, college or university;

21
22 (c) Consortium model consisting of open learning/distance education
23 departments of different institutions.
24

25 SEC. 8. *Support to Distance Education Programs.* – Higher education
26 institutions with open learning programs shall be provided support based on
27 the following criteria to be determined by the CHED:

1 (a) Qualified faculty with experience and/or training in distance
2 education;

3
4 (b) Relevant curricular programs;

5
6 (c) Appropriate educational materials;

7
8 (d) Suitable student support services and delivery system; and

9
10 (e) Linkages with other appropriate institutions as study centers.
11

12 Sec. 9. *Support to Students.* – Any student enrolled under this Act
13 shall be given access to all privileges, opportunities and entitlements that a
14 student similarly situated under the traditional system may have access to,
15 including but not necessarily limited to, availment of scholarships, grants
16 and loans from the government or government-administered funding sources.
17 Specifically, higher education institutions shall be tasked to perform the
18 following support services:
19

20 (a) Maintain faculty-student dialogue in strategic sites and/or establish
21 learning centers or linkages with other HEIs to ensure greater access
22 to the clientele for admission, tutorial, counseling, testing and
23 evaluation activities;

24
25 (b) Provide clear admission policies and procedures for applicants;

26
27 (c) Provide for an efficient and reliable communication system and media
28 support including equipment and facilities;

29
30 (d) Show evidence of regular monitoring of learners' progress; and
31

1 (e) Provide liberty and learning resources for the students.

2

3 Sec. 10. *Role of the Commission on Higher Education (CHED)*. - The
4 CHED has the authority to identify the higher educational institutions which
5 shall be allowed to offer open learning/distance education programs and be
6 given allocation for the continued implementation of these programs. As
7 such, it shall:

8

9 (a) Promulgate the necessary rules and regulations for the effective
10 implementation of the System;

11

12 (b) Propose approaches to improve the quality of distance education in
13 the country and formulate a quality control mechanism for
14 distance education;

15

16 (c) Monitor and evaluate existing open learning programs;

17

18 (d) Review and approve proposals for new open learning programs
19 from educational institutions; and

20

21 (e) Recommend to the Department of Budget and Management (DBM)
22 the budget for open learning programs of qualified higher education
23 institutions based on the CHED monitoring and evaluation results.

24

25 SEC. 11. *Role of Broadcast Stations and Telecommunications Network*. -
26 Broadcast stations and telecommunications networks are encouraged to
27 provide assistance and cooperation in support of the open learning system or
28 in the delivery of distance education, which may include but not necessarily

1 limited to, the transmission of materials for formal and non-formal courses to
2 learners not only in the Philippines but also outside the country.

3 SEC. 12. *Tax Incentives.* – Private entities such as broadcast stations
4 and telecommunications networks and others which shall provide appropriate
5 materials, time and services to the system shall be given corresponding tax
6 credits in accordance with existing rules and regulations.

7
8 SEC. 13. *Appropriations.* – The amount necessary to carry out the
9 initial implementation of this Act shall be charged to the appropriations of the
10 Commission on Higher Education under the current General Appropriation
11 Act. Thereafter, the funds necessary for the continuous implementation of this
12 Act in the ensuing years shall be included in the annual appropriations of
13 CHED in the General Appropriations Act.

14
15 SEC. 14. *Implementing Rules and Regulations.* – The Commission on
16 Higher Education (CHED), in consultation with relevant stakeholders in higher
17 education, is hereby mandated to formulate the rules and regulations to
18 implement this Act within a period of ninety (90) days from the effectivity
19 thereof.

20
21 SEC. 15. *Separability Clause.* – If any provision of this Act or any part
22 thereof be declared unconstitutional or invalid, the other provisions, far as they
23 are separable from the invalid ones, shall remain in force and effect.

24
25 SEC. 16. *Repealing Clause.* – All laws, decrees, orders, rules and
26 regulations or parts thereof specifically inconsistent with this Act are hereby
27 repealed or modified accordingly.

1 SEC. 17. *Effectivity.* – This Act shall take effect fifteen (15) days after its
2 publication in the *Official Gazette* or in at least two (2) newspapers of general
3 circulation.

4
5 Approved,