


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

SENATE
OFFICE OF THE SECRETARY

10 JUL 27 AM 10:06

SENATE

S. B. No. 2094

RECEIVED BY: 

Introduced by Senator FRANCIS G. ESCUDERO

EXPLANATORY NOTE

The State recognizes that preschool education is a fundamental component of early childhood development and is a necessary means to ensure that a child, one of the most important assets of the nation, acquires the essential educational foundation for his/her development and to attain his/her fullest potential as a human being.

An issuance by the Department of Education as early as 1989 puts it most accurately:

"During these critical years, basic character, values, abilities, personality, skills, aptitude, attitudes and knowledge are formed. These qualities when properly developed shape the individual's overall perspective and preparedness for life. It has been confirmed by studies that the experiences and the learning that preschool children undergo during the first six years of their life have a lasting effect on their intellectual development as well as on the development of their social and physical skills." (DECS Order No. 107, s. 1989)

Notwithstanding its acknowledged importance in early childhood development, preschool is not considered part of the formal educational ladder. At best, it is casually subsumed by the Education Act of 1982 under the umbrella of Elementary Education, the first stage of compulsory, formal education primarily concerned with providing basic education. Further, the standards prescribed by the Department of Education for the organization and operation of preschools are at best discretionary.

As the government cannot afford to operate and maintain preschools throughout the country, private sector participation steps in to fill this void. While school education is not a required component of the formal education structure, a considerable number of facilities offering preschool services, legitimate or otherwise, has been established. The growing number of preschools gives rise to a number of substantial concerns - the quality of preschool education offered, its rising cost, and the safety of children at the premises of preschool facilities, among others.

This bill seeks to promote quality preschool education, safeguard the welfare of children and temper the rising cost of preschool education, by establishing a system governing and regulating preschool education in the

country through the definition of standards for the organization and operation of preschool facilities and services and penalizing failure to observe the required standards for maintaining a preschool.

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

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal stroke.

FRANCIS G. ESCUDERO

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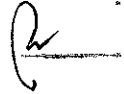
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Introduced by Senator FRANCIS G. ESCUDERO

AN ACT
GOVERNING THE SYSTEM OF PRESCHOOL EDUCATION BY
PRESCRIBING STANDARDS AND REGULATIONS OF PRESCHOOL
FACILITIES AND SERVICES

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

Chapter 1

TITLE AND DECLARATION OF POLICY

1
2
3
4 Section 1. *Short Title.* This Act shall be known as "Governance in Preschool
5 Education Act."

6
7 Sec. 2. *Declaration of Policy.* It is hereby declared the policy of the State to
8 uphold the vital role of children in nation-building by instituting measures that
9 shall promote and protect their physical, moral, spiritual, intellectual and social
10 well-being.

11
12 The State recognizes the importance of early childhood development and
13 the role it plays in achieving the country's educational goals and objectives. The
14 State further recognizes that preschool education is a fundamental component of
15 early childhood development and is a necessary means to ensure that a child,
16 one of the most important assets of the nation, acquires the essential educational
17 foundation for his/her development and to attain his/her fullest potential as a
18 human being.

19
20 The State commits to uphold the rights of children to access quality
21 education and assistance, including proper care and nutrition, and special
22 protection from all forms of neglect, abuse, cruelty and exploitation, and other
23 conditions prejudicial to their development. As such, the State shall promote and
24 safeguard the welfare of children and uphold their best interests by encouraging
25 the establishment of quality preschool education through the definition of
26 standards for the organization and operation of preschool facilities and services
27 in the country.

28
29 Sec. 3. *Definition of Terms.* The terms used in this Act are defined as follows:

30
31 (a) *Child abuse* - refers to the acts described in Section 3(b) of Republic Act
32 No. 7610, or the Special Protection of Children Against Abuse,

1 Exploitation and Discrimination Act, and all other forms of abuse and
2 neglect referred to in the same law;

- 3 (b) *Department* - refers to the Department of Education;
4 (c) *Mother tongue* - refers to the language or languages first learned by a
5 child which he/she identifies with or is identified as a native speaker
6 of, by others, or which he/she knows best and uses most;
7 (d) *Owner* - refers to the person, natural or juridical, who owns, operates
8 or stands as the proprietor of a preschool, whether or not a permit to
9 operate the same has already been granted him/her. The owner may
10 be the operator or proprietor of existing educational institutions that
11 may be offering elementary, secondary and/or post- secondary
12 education;
13 (e) *Preschool institution* - refers to pre-elementary facilities or services,
14 including but not limited to early learning centers, nurseries,
15 kindergarten schools, playgroups and Similar facilities that primarily
16 provide educational services for preschool children;
17 (f) *Preschool children* - refers to children five (5) years old and below who
18 qualify for admission and enrolment in preschool facilities or services
19 offering preschool education;
20 (g) *Preschool personnel* - collectively refers to the owner, director, teachers
21 and para-professionals working in a preschool institution.
22

23
24 **Chapter II**
25 **COVERAGE**
26

27 Sec. 4. *Coverage*. This Act shall cover all privately owned preschool
28 institutions and other private educational institutions providing elementary,
29 secondary and post-secondary education that also offer preschool services.
30

31 A preschool entity or organization contracted by the government as its
32 partner in the Preschool Service Contracting Scheme (PSCP) of the Department
33 shall not be covered by this Act when the delivery of educational services are
34 solely devoted to the implementation of the PSCP.
35

36 **Chapter III**
37 **ESTABLISHMENT AND LICENSING**
38

39 Sec. 5. *Establishment of a Preschool*. A private preschool institution shall be
40 established in accordance with law and its operations shall be subject to prior
41 authorization of the Department. No preschool institution shall operate without
42 first applying for a permit to operate and obtaining the same from the
43 Department.
44

45 Sec. 6. *Application for a Permit to Operate*. The Owner of a preschool institution
46 shall file the application for a permit to operate a preschool. He/She shall have
47 the following qualifications:
48

- 49 (a) Possesses a college degree in a discipline allied to education with at
50 least eighteen (18) units of preschool education course; and
51 (b) Must not have been convicted of any crime involving child abuse,
52 sexual abuse or any other crime committed against children.

1 If the owner of the preschool is a juridical entity, the President of such
2 entity shall possess the above-prescribed qualifications.

3
4 The Department has the discretion to impose additional qualifications
5 before a person may be able to apply for and be granted a permit to operate a
6 preschool.

7
8 *Sec. 7. Requirements for Application to Operate a Preschool.* The Department
9 shall not issue a permit to operate a preschool unless the following documents
10 and information are submitted:

- 11
12 (a) A complete application form, which includes a list of all the
13 preschool personnel, including volunteers and substitutes, and the
14 list of household members as prescribed in Section 9 herein, if
15 applicable;
- 16 (b) Draft preschool curriculum or program to be implemented;
- 17 (c) Inspection report showing compliance with all safety rules issued
18 by the local government unit;
- 19 (d) Certification showing completion of pre-licensing inspections as
20 prescribed in Section 10 herein;
- 21 (e) Tax Identification Number of the Owner; and
- 22 (f) Statement of Legal Background
- 23

24 The Owner shall sign the application for a permit to operate a preschool
25 under oath to certify that all its contents and attachments are true and correct.

26
27 *Sec. 8. Statement of Legal Background.* The Owner of the preschool shall
28 submit a Statement of Legal Background signed under oath by each member of
29 the preschool personnel, eighteen (18) years old and above. The Statement of
30 Legal Background shall include all contacts of the preschool personnel with law
31 enforcers, whether or not such contacts may have resulted to prosecution.

32
33 *Sec. 9. Disclosure of Household Members.* If the preschool is located within a
34 private residence, the Owner shall submit the names of all household members
35 eighteen (18) years old and above.

36
37 *Sec. 10. Pre-Licensing Inspection.* After the filing of the application for a
38 permit to operate, a preschool institution shall be subjected to pre-licensing
39 inspections before it can be allowed to start its operations.

40
41 *Sec. 11. Display of Permit.* The owner shall, at all times, display the
42 operating permit, whether provisional or permanent, in a prominent place
43 clearly visible to the parents and the public.

44
45 *Sec. 12. Licensed Capacity.* The permit shall indicate the licensed capacity to
46 operate the preschool. A preschool institution shall not exceed its licensed
47 capacity during the period of effectivity of the granted permit. An increase in the
48 capacity shall require another application for a new permit to operate.

49
50 *Sec. 13. Changes in the Permit.* If a substantial change in the permit to
51 operate a preschool is needed, the owner shall submit a new application.

1 Sec. 14. *Operation without a Permit.* The operation of a preschool institution
2 without authorization, or in violation of the permit granted, is a violation that
3 may be subject to the penalties provided under Chapter XI of this Act.
4

5 Sec. 15. *Strict Compliance of Standards.* A preschool institution shall be
6 required to comply with the standards set under this Act and also to that of the
7 other administrative regulations and orders issued by the Department, under
8 pain of penalty of the Owner and all other preschool personnel responsible for
9 non-compliance of these standards.
10

11 Chapter IV

12 PRESCHOOL PROGRAM

13
14

15 Sec. 16. *Curriculum Development.* The Department shall develop the
16 curriculum prescribed for 'preschool education consistent with the universally
17 accepted norms and standards, including values formation, and to periodically
18 review such for purposes of upgrading.
19

20 Private preschool institutions shall henceforth implement the appropriate
21 curriculum prescribed by the Department.
22

23 Sec. 17. *Developmentally Appropriate Experiences.* The preschool program
24 shall incorporate the use of developmentally appropriate experiences in physical
25 development, social development, supportive emotional and social environment,
26 intellectual and cognitive development, staff-child ratio, language of learning,
27 and parental involvement. Such programs aim to develop the preschool
28 children's intrapersonal and interpersonal skills as well as enhancing their self-
29 management and independence.
30

31 The program shall also include appropriate learning activities and
32 teaching techniques in accordance with each child's level of comprehension and
33 maturation.
34

35 Sec. 18. The physical development program shall help the *gross* and fine
36 motor coordination of a child through play and manipulative activities like
37 games, simple work and those that develop physical fitness, and through:
38

- 39 (a) Adequate indoor and outdoor space pursuant to Chapter V of this Act;
- 40 (b) Developmentally appropriate materials and equipment, in sufficient
41 quantity to allow choice, and providing supervised time for children
42 to use large and small muscles to increase their physical skills;
- 43 (c) Appropriate guidance while the school children use equipment and
44 materials that promote their physical growth; and
- 45 (d) Developmentally appropriate information about health as an integral
46 part of program activities.
47

48 Sec. 19. *Social Development Program.* The social development program shall
49 help develop skills and behavior pertaining to independence and social behavior
50 including development of health habits and independence in dressing, eating,
51 sleeping and toileting, relating with teachers, peers and other people through
52 group play and/or interaction. It also deals with the development of ability to
53 follow rules and routines.

1 The program shall likewise promote the development of social skills and
2 social interactions by providing positive guidance with clear and consistent rules
3 presented in developmentally appropriate ways such as positive adult and peer
4 role models, focusing on the level of the child.

5
6 Sec. 20. *Supportive Emotional and Social Environment Program.* The
7 supportive emotional and social environment program shall promote affective
8 development through experiences that help preschool children develop love for
9 self, others and the community. The program shall provide a supportive social
10 and emotional climate that:

- 11
12 (a) Enhances the preschool children's understanding of themselves as
13 individuals, and in relation to others, by providing for individual,
14 small group, and large group activities;
15 (b) Gives preschool children many opportunities for success through
16 developmentally appropriate program activities; and
17 (c) Provides an environment of acceptance that helps preschool children
18 develop positive self-concept, enhance their individual strengths, build
19 ethnic pride, and facilitate social relationships.
20

21 Sec. 21. *Intellectual and Cognitive Development Program.* The intellectual and
22 cognitive development program shall include activities that promote the
23 development of intellectual skills particularly in the areas of communication
24 skills and sensory-perceptual and numeric concepts and skills by:

- 25
26 (a) Encouraging preschool children to solve problems, initiate activities,
27 explore, experiment, question, and gain mastery through learning by
28 doing concrete experimental learning;
29 (b) Promoting language understanding and use in an atmosphere that
30 encourages each communication among preschool children and
31 between children and adults;
32 (c) Utilizing a curriculum in which a variety of skills are integrated into
33 activities targeted toward the interest of preschool children;
34 (d) Encouraging preschool children to organize their experiences and
35 understand concepts;
36 (e) Utilizing a language experience approach to introduce printed
37 materials according to the individual developmental level of the
38 preschool children; and
39 (f) Providing a daily balance of activities in the following dimensions:
40 indoor and outdoor; quiet and active; individual and group; large
41 and small groups; child and staff initiated; and structured and
42 spontaneous.
43

44 Sec. 22. *Staff-Child Ratio.* Each preschool institution shall maintain the
45 following staff-child ration:
46

Age Range of Children (at the time of enrolment)	Number of Staff	Number of Children
2 years old – 3 years old	1	6
3 years & 1 day – 4 years old	1	10
4 years old & 1 day – 5 years old	1	12

1 Only the personnel directly involved with the immediate care and
2 teaching of children shall be considered in determining the staff-child ratio.

3
4 Compliance with staff-child ratio shall be determined on a school-wide
5 basis and not on an individual classroom basis.

6
7 Sec. 23. *Language of Learning.* At the Day Care level, the mother tongue
8 shall be used as language of learning for all subjects. At this stage, oral fluency in
9 the mother tongue shall be developed.

10
11 At the preschool level (5 years old), the following language of learning
12 shall be institutionalized:

- 13
14 (a) Introduction of oral fluency in Filipino as a subject;
15 (b) Introduction of oral fluency in English as a subject;
16 (c) Continuing development on oral fluency in the mother tongue and the
17 introduction of the mother tongue emergent literacy; and
18 (d) Mother tongue as language of learning for all subjects.

19
20 Sec. 24. *Parental Involvement Program.* The parental involvement program
21 shall allow the active parental involvement in the preschool children's activities.
22 Consideration of the different types of family structures, such as those with
23 single parenthood, adoption, foster care and extended family, shall be made
24 when planning activities.

25
26 The following activities shall be made available to the parents:

- 27
28 (a) Participation in classroom and other preschool activities as volunteers
29 or observers;
30 (b) Parent training, education or other activities that parents helped
31 develop;
32 (c) Working with the child in cooperation with preschool personnel;
33 (d) Meeting with preschool personnel and other appropriate staff
34 regarding the child's individual needs and progress or other systems
35 of communication developed with the parent; and
36 (e) Periodic home visits by preschool personnel.

37
38
39 **Chapter V**
40 **PHYSICAL ENVIRONMENT**

41
42 Sec. 25. *Adequate Facilities and Appropriate Physical Environment.* Each
43 preschool institution shall ensure that the children enrolled are provided with
44 adequate facilities and given the appropriate physical environment.

45
46 The Owner and/or Director shall ensure that:

- 47
48 (a) All facilities within the school premises, including the floors, walls and
49 ceilings, and other areas not considered when computing activity
50 space under Section 26 are clean and maintained properly;
51 (b) There is at least one toilet seat for every twenty-five (25) children at
52 one time which is conveniently accessible to the children;

- 1 (c) Sufficient water supply is available to the children during the hours of
2 operation;
- 3 (d) The sewage and garbage facilities in the school premises are clean and
4 that proper disposal of garbage is maintained to prevent health
5 hazards; and
- 6 (e) A telephone line is available in the school premises.
7

8 Sec. 26. *Activity Space.* A preschool institution shall have a minimum lot
9 area of five hundred (500) square meters. The area may be divided into a
10 minimum of one hundred forty (140) square meters for the classroom or indoor
11 activity space and three hundred sixty (360) square meters for the playground or
12 outdoor activity space. This area shall be good for not more than four (4) classes
13 only.
14

15 Toilets, kitchens, passageways, storage space, cabinets and other spaces
16 not used to directly deliver educational services as defined in this Act shall not
17 be considered when computing the activity space.
18

19 The Owner and/or Director shall ensure that the indoor activity space is
20 well ventilated and classrooms are adequately lit.
21

22 Sec. 27. *Outdoor Activity Space.* A preschool institution shall have enough
23 space for playground or outdoor activities; otherwise, easy and safe access to the
24 nearest park or open space not more than two hundred (200) meters walking
25 distance from the school site may be presented as an alternative. This
26 arrangement shall be approved in writing by the authorized representative of the
27 park or open space.
28

29 The Owner and/or Director shall ensure that the preschool institution
30 complies with the following regulations concerning outdoor activity space used
31 by the children:
32

- 33 (a) If there are unsafe areas such as drainage ditches, open storm sewers,
34 wells, holes, railroad tracks, or heavy street traffic in or near the
35 outdoor play area, an appropriate fence shall be provided to safeguard
36 the children involved in the outdoor activity;
- 37 (b) Pets, if present, must be physically controlled or restrained, and proof
38 of vaccination shall be available for cats and dogs; and
- 39 (c) The grounds shall be kept neat and clean, free from insects and rodents,
40 and properly sloped or drained to prevent stagnant water collection.
41

42 The use of the nearest park or open space, instead of a playground within
43 preschool premises, as outdoor activity space does not excuse the Owner and/or
44 Director from ensuring that the above regulations are met.
45

46 Sec. 28. *Use of School Building.* The building from where the preschool
47 operates shall be used solely for educational purposes. Its conversion into a
48 residential or commercial purpose, even if done after class hours, shall be strictly
49 prohibited.
50

51 Sec. 29. *Provision of Furniture, Equipment and Related Materials.* The
52 furniture, equipment and materials allocated for the use of the school shall be of
53 sufficient quantity, quality and variety to meet the needs of the preschool

1 children and shall be arranged in a way as to facilitate learning, assure a
2 balanced program of spontaneous and structure activities, and encourage self-
3 reliance in the children.

4
5 Sec. 30. *Provision of Safe Environment.* The preschool premises shall be free
6 from potential accident hazards such as diggings, uncovered wells, broken
7 glasses, open electric wires, unsafe electrical outlets, and other similar matters.
8 The Owner and/or Director shall provide the necessary safety measures and
9 equipment to ensure that preschool children may enjoy a healthy and hazard-
10 free environment.

11
12
13 **Chapter VI**
14 **QUALIFICATIONS OF PRESCHOOL PERSONNEL**
15

16 Sec. 31. *Composition of Preschool Personnel.* There shall be preschool
17 personnel in each preschool institution which shall be basically composed of a
18 director, teachers and para- professionals.

19
20 For purposes of this Act, the Owner of the preschool institution shall be
21 considered part of the preschool personnel if he/she has contact with the
22 students therein.

23
24 Sec. 32. *The Director.* The Director shall plan, implement, supervise,
25 monitor and evaluate a school program along with the other competent members
26 of the preschool personnel. He/She shall possess the following qualifications:

- 27
28 (a) College degree in a discipline allied to education with at least eighteen
29 (18) units of preschool education course;
30 (b) Preferably with a masters degree in education; and
31 (c) At least *two* (2) years of very satisfactory work experience in a school
32 setup.

33
34 The Director's experience in preschool teaching with very satisfactory
35 performance may, at the discretion of the Department, be considered in place of
36 the preschool education course units required.

37
38 Sec. 33. *The Teacher.* The teacher shall be directly in charge with the
39 handling of preschool children. He/She shall possess any of the following
40 qualifications:

- 41
42 (a) Bachelor of Science degree with specialization in Family Life and Child
43 Development or Early Childhood Education or Kindergarten;
44 (b) Bachelor of Science in Elementary Education with eighteen (18) units
45 in Preschool Education and fifty-four (54) hours of practicum in
46 preschool classes; or
47 (c) Bachelor of Arts/Science degree in a discipline allied to education, arts,
48 nursing, or anthropology with eighteen (18) units of preschool
49 education.

50
51 *Provided,* That upon appointment, the teacher shall have at least six (6)
52 units of preschool education subject: *Provided, further,* That the requirement of

1 eighteen (18) units of preschool education may be gradually implemented as
2 follows:

- 3
- 4 (a) At the end of Year 1, nine (9) units shall already be earned;
- 5 (b) At the end of Year 2, twelve (12) units;
- 6 (c) At the end of Year 3, fifteen (15) units; and
- 7 (d) At the end of Year 4, eighteen (18) units.
- 8

9 Sec. 34. *The Para-Professional.* The para-professional, employed as a teacher
10 aide, teacher helper, or assistant teacher, shall have the following qualifications:

- 11
- 12 (a) Should at least be a high school graduate; and
- 13 (b) Has attended training on preschool education for at least one hundred
14 twenty (120) hours with a certificate from a recognized training
15 institution or professional organization.
- 16

17 Sec. 35. *Personnel for Emergency.* The preschool institution shall, at all times,
18 have standby personnel within the school premises that are trained in emergency
19 medical first aid response.

20

21

22 Chapter VII

23 DUTIES AND RESPONSIBILITIES OF THE PRESCHOOL PERSONNEL

24

25 Sec. 36. *General Responsibilities.* The preschool personnel shall have the
26 following general responsibilities:

- 27
- 28 (a) Promote and protect the physical, moral, intellectual and social well-
29 being of the preschool children;
- 30 (b) Provide the preschool children with proper care and nutrition;
- 31 (c) Take all measures to protect the preschool children from all forms of
32 neglect, abuse, cruelty and exploitation, and such other conditions that
33 are prejudicial to their safety and development;
- 34 (d) Ensure that the standards prescribed under this Act and such other
35 rules, regulations and orders relative to the concerns of preschool
36 children are properly observed and followed;
- 37 (e) Perform his/her duties in accordance with the policy declared and the
38 responsibilities prescribed under this Act; and
- 39 (f) Uphold the best interest of the preschool children.
- 40

41 Sec. 37. *Academic Responsibilities.* The preschool personnel shall likewise
42 have the following academic responsibilities:

- 43
- 44 (a) Improve professionally by keeping himself/herself abreast with the
45 latest trends and techniques in preschool education and child care;
- 46 (b) Assume, promote and maintain an atmosphere conducive to the
47 child's learning; and
- 48 (c) Be knowledgeable on the rights of the child as provided for in the
49 Convention on the Rights of the Child and on other existing laws and
50 to uphold these rights in the performance of their duties.
- 51

1 Sec. 38. *Adequate Supervision.* The preschool personnel designated by the
2 owner to take charge of the preschool children shall be responsible in providing
3 adequate supervision and control over the children in attendance.

4
5 The preschool personnel shall have adequate knowledge on the
6 whereabouts of each and every preschool child in attendance and shall always
7 position themselves within the sight or hearing distance of every child under
8 their supervision.

9
10 Negligence or willful lack of supervision on the part of the preschool
11 personnel shall be a basis for suspension or revocation of the preschool's permit
12 to operate, without prejudice to the imposition of the appropriate penalties as
13 prescribed under Chapter XI of this Act.

14
15 Sec. 39. *Discipline of Children.* No preschool personnel shall be allowed to
16 inflict any form of physical punishment on any child in attendance as a means of
17 imposing discipline.

18
19 Preschool personnel shall also be prohibited to impose discipline to a
20 preschool child through any of the following means: abusive or profane
21 language; denial of food; forced napping; subjection to derogatory remarks about
22 the child or his/her family; threats of physical punishment; yelling or screaming;
23 or any other similar forms of discipline.

24
25 Sec. 40. *Overall Obligation.* Unless otherwise provided herein, compliance
26 with all the standards imposed by this Act shall be the responsibility of the
27 Owner of the preschool institution. Failure to comply with these standards shall
28 merit the imposition of appropriate penalties for the owner without prejudice to
29 the imposition of liability against any other member of the school's personnel if
30 found to have committed any act of negligence.

31
32
33 **Chapter VIII**
34 **FEES, CONTRIBUTIONS AND DONATIONS**

35
36 Sec. 41. *School Fees.* The preschool institution shall determine its rate of
37 tuition, miscellaneous fees and other charges. The fees and other charges
38 imposed by the preschool and their application and use shall be subject to the
39 rules and regulations issued by the Department.

40
41 The application for permit of new preschool shall include information on
42 tuition, miscellaneous fees, and other charges.

43
44 Sec. 42. *Authority to Regulate School Fees.* The Department shall have the
45 authority to regulate the fees charged by a preschool institution based on the pre-
46 established objective standards that the fees charged shall not be arbitrary,
47 excessive and onerous.

48
49 The pre-established standards that determine whether the fees charged
50 are arbitrary, excessive and onerous may relate to indicators such as profit
51 margin and rate of increase. Qualitative factors such as improvement of facilities,
52 qualifications of teaching and non-teaching personnel, and quality of curriculum
53 offered may also serve as indicators together with the quantitative factors for the

1 purpose of determining if the fees charged by a preschool institution are fair and
2 reasonable.

3
4 Sec. 43. *Prohibition on Contribution and Solicitation.* A preschool institution
5 shall be prohibited from collecting any kind or form of contribution and
6 solicitation as a precondition for the preschool children's continued school
7 admission or for their completion of the program.

8
9 Sec. 44. *Issuance of Official Receipt.* A preschool institution shall be required
10 to issue an official receipt for all fees, charges and contributions received in the
11 course of its operations.

12
13 Sec. 45. *Report of Financial Performance.* The owner of the preschool
14 institution, upon application for renewal of permit to operate, shall submit to the
15 Department a copy of the financial performance of the preschool for the previous
16 year or for a longer period as may be determined by the Department.

17
18 The financial report shall expressly indicate amount of tuition,
19 miscellaneous fees, other charges, gifts and donations collected and/or received
20 by the preschool institution during the period covered by the report.

21
22
23 **Chapter IX**
24 **RULE IN ADMISSION**
25

26 Sec. 46. *Non-discrimination in Admission.* No child shall be refused
27 admission in a preschool institution on the basis of legitimacy or illegitimacy, sex,
28 social status, religion, political antecedents, and other related factors. As such,
29 the preschool institution shall not require the submission of any of the following
30 documents as requisites for enrolment:

- 31
32 (a) marriage certificate of parents;
33 (b) baptismal certificate of the child;
34 (c) income tax return of parents/guardian; and
35 (d) all other documents solely intended to identify the child's legitimacy
36 or illegitimacy, sex, social status, religion, political antecedents, and
37 other related factors.

38
39 The policy against non-discrimination shall be read in consonance with
40 the principles of religious freedom in cases where the entity operating the
41 preschool is a religious institution.

42
43 Sec. 47. *Atmosphere of Tolerance and Acceptance.* The preschool institution
44 shall promote an atmosphere of tolerance and acceptance. No child shall be
45 disadvantaged, treated differently or discriminated in any manner in a preschool
46 on the basis of the factors described in the preceding section.

47
48 **Chapter X**
49 **IMPLEMENTING AND REGULATING AUTHORITY**
50

51 Sec. 48. *Implementing Agency.* The authority to regulate the organization,
52 operation and/or implementation of the preschool education program shall be
53 vested upon the Department, through the Bureau of Elementary Education.

1
2 Sec. 49. *Duties, Powers and Functions.* The Department shall have the
3 following duties, powers and functions:

- 4
5 (a) To oversee and supervise the implementation of the preschool
6 education program throughout the country;
7 (b) To authorize the opening of preschool education classes in all private
8 schools, including the registration and accreditation of private
9 preschool institutions and order closure of the same if found violating
10 Department rules and regulations and/or found operating without a
11 permit or Certificate of Recognition;
12 (c) To develop the curriculum for preschool education consistent with the
13 universally accepted norms and standards, including values
14 formation, and to periodically review such for purposes of upgrading;
15 (d) To conceive, develop and extend a regular training program to
16 preschool education teachers to ensure constant updating of their
17 knowledge in modern trends, methodologies and concepts on early
18 childhood education;
19 (e) To prescribe the necessary qualifications for the hiring and
20 accreditation of teachers who will handle the preschool education
21 program; and
22 (f) To formulate the necessary guidelines and regulatory standards in
23 connection with the operation of private preschool institutions.
24

25 **Chapter XI**
26 **LIABILITIES AND PENALTIES**
27

28 Sec. 50. *Unauthorized Preschool Operation.* Any person operating a
29 preschool institution without a permit or authority from the Department shall
30 suffer the penalty of at least one (1) month imprisonment and/or a fine not
31 exceeding Five Thousand Pesos (P5,000.00) for every day of operation without a
32 permit to operate, subject to the discretion of the Court.
33

34 The person liable under this section may or may not be the owner of the
35 preschool institution being operated without a permit or authority.
36

37 Sec. 51. *Administrative Sanctions.* The Department shall prescribe and
38 impose administrative sanctions against the Owner of the preschool institution
39 that it may deem reasonable and appropriate for any of the following causes:
40

- 41 (a) Unauthorized operation of a preschool, without prejudice to the filing of
42 a case against the owner pursuant to the immediately preceding section;
43 (b) Negligence or wilful lack of supervision of children;
44 (c) Failure to comply with any of the obligations or standards prescribed by
45 this Act;
46 (d) Gross inefficiency of the teaching or non-teaching personnel; or
47 (e) Fraud or deceit committed in connection with the application for a permit
48 or recognition.
49

50 The imposition of administrative sanctions by the Department shall be
51 limited only to the following:
52

- 53 (a) Suspension or revocation of permit to operate;

- 1 (b) Temporary or permanent closure of the preschool facility and service;
2 (c) Fines and penalties; and
3 (d) Prohibition to operate a preschool service or facility or any other
4 educational institution.

5
6 Sec. 52. *Civil Penalties.* Any preschool personnel, who shall commit any act
7 or omission, whether intentional or due to negligence, related to the preschool
8 operations that may have resulted to any damage or injury on the child enrolled
9 therein, shall be liable to pay damages, fines and/or other civil penalties.

10
11 Sec. 53. *Penal Provisions.* In addition to the imposition of any of the above
12 administrative sanctions or civil penalties, preschool personnel found to have
13 violated any provision of this Act shall be liable to the penal sanctions prescribed
14 under the Revised Penal Code and other special laws with penal provisions such
15 as the Child and Youth Welfare Code, the Anti-Child Abuse Act, and the
16 Juvenile Justice and Welfare Act.

17
18 Sec. 54. *Liability of a Corporation.* If any of the foregoing acts or omissions is
19 committed by a corporation, the President and the responsible officers of the
20 corporation and/or other persons responsible for the offense or violation shall be
21 held liable for the administrative, civil and penal sanctions.

22
23
24 **Chapter XII**
25 **FINAL PROVISIONS**
26

27 Sec. 55. *Implementing Rules and Regulations.* The Department of Education
28 shall, upon consultation with the Department of Social Welfare and
29 Development, Department of Health and the Department of the Interior and
30 Local Government, promulgate the necessary Implementing Rules and
31 Regulations within ninety (90) days after the effectivity of this Act.

32
33 Sec. 56. *Transitory Provision.* Preschool institutions that are already in
34 operation and have been complying with the orders issued by the Department
35 prior to this Act shall be given one (1) year from the effectivity of this Act to
36 comply with the standards prescribed herein.

37
38 Sec. 57. *Statutory Construction.* In case of doubt, the interpretation of any of
39 the provisions of this Act shall be construed liberally in favor of the protection
40 and promotion of the paramount interest of the preschool child.

41
42 Sec. 58. *Separability Clause.* If any provision of this Act is held invalid or
43 unconstitutional, the same shall not affect the validity and effectivity of the other
44 provisions thereof.

45
46 Sec. 59. *Repealing Clause.* All laws, decrees, executive orders and rules and
47 regulations, or parts thereof, that are contrary to or inconsistent with the
48 provisions of this Act are hereby repealed or modified accordingly.

49
50 Sec. 60. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its
51 publication in at least two (2) newspapers of general circulation.

52
53 *Approved,*