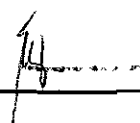


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SENATE

Senate Bill No. 2953

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 preschool 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.



FRANCIS G. ESCUDERO

8 DEC -9 P2:04

SENATE

Senate Bill No. 2953 RECEIVED BY [Signature]

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:

1 Chapter I
2 TITLE AND DECLARATION OF POLICY
3
4

5 Section 1. *Short Title.* This Act shall be known as "Governance in Preschool Education Act."
6

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

10
11 The State recognizes the importance of early childhood development and the role it plays in
12 achieving the country's educational goals and objectives. The State further recognizes that
13 preschool education is a fundamental component of early childhood development and is a
14 necessary means to ensure that a child, one of the most important assets of the nation,
15 acquires the essential educational foundation for his/her development and to attain his/her
16 fullest potential as a human being.

17
18 The State commits to uphold the rights of children to access quality education and assistance,
19 including proper care and nutrition, and special protection from all forms of neglect, abuse,
20 cruelty and exploitation, and other conditions prejudicial to their development. As such, the
21 State shall promote and safeguard the welfare of children and uphold their best interests by
22 encouraging the establishment of quality preschool education through the definition of
23 standards for the organization and operation of preschool facilities and services in the
24 country.

25
26 Sec. 3. *Definition of Terms.* The terms used in this Act are defined as follows:

- 27
28 (a) *Child abuse* - refers to the acts described in Section 3(b) of Republic Act No. 7610, or the
29 Special Protection of Children Against Abuse, Exploitation and Discrimination Act,
30 and all other forms of abuse and neglect referred to in the same law;

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

18
19 Chapter II
20 COVERAGE

21
22 Sec. 4. *Coverage*. This Act shall cover all privately owned preschool institutions and other
23 private educational institutions providing elementary, secondary and post-secondary
24 education that also offer preschool services.

25
26 A preschool entity or organization contracted by the government as its partner in the
27 Preschool Service Contracting Scheme (PSCP) of the Department shall not be covered by this
28 Act when the delivery of educational services are solely devoted to the implementation of the
29 PSCP.

30
31 Chapter III
32 ESTABLISHMENT AND LICENSING

33
34 Sec. 5. *Establishment of a Preschool*. A private preschool institution shall be established in
35 accordance with law and its operations shall be subject to prior authorization of the
36 Department. No preschool institution shall operate without first applying for a permit to
37 operate and obtaining the same from the Department.

38
39 Sec. 6. *Application for a Permit to Operate*. The Owner of a preschool institution shall file the
40 application for a permit to operate a preschool. He/She shall have the following
41 qualifications:

- 42
43 (a) Possesses a college degree in a discipline allied to education with at least eighteen (18)
44 units of preschool education course; and
- 45 (b) Must not have been convicted of any crime involving child abuse, sexual abuse or any
46 other crime committed against children.

47
48 If the owner of the preschool is a juridical entity, the President of such entity shall possess the
49 above-prescribed qualifications.

50
51 The Department has the discretion to impose additional qualifications before a person may
52 be able to apply for and be granted a permit to operate a preschool.

53
54 Sec. 7. *Requirements for Application to Operate a Preschool*. The Department shall not issue a

1 permit to operate a preschool unless the following documents and information are submitted:

- 2
- 3 (a) A complete application form, which includes a list of all the preschool personnel,
- 4 including volunteers and substitutes, and the list of household members as prescribed
- 5 in Section 9 herein, if applicable;
- 6 (b) Draft preschool curriculum or program to be implemented;
- 7 (c) Inspection report showing compliance with all safety rules issued by the local
- 8 government unit;
- 9 (d) Certification showing completion of pre-licensing inspections as prescribed in Section
- 10 10 herein;
- 11 (e) Tax Identification Number of the Owner; and
- 12 (f) Statement of Legal Background
- 13

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

16

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

22

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

26

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

30

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

33

34 *Sec. 12. Licensed Capacity.* The permit shall indicate the licensed capacity to operate the
35 preschool. A preschool institution shall not exceed its licensed capacity during the period of
36 effectivity of the granted permit. An increase in the capacity shall require another
37 application for a new permit to operate.

38

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

41

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

45

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

50

51 Chapter IV
52 PRESCHOOL PROGRAM

53

54 *Sec. 16. Curriculum Development.* The Department shall develop the curriculum prescribed

1 for preschool education consistent with the universally accepted norms and standards,
2 including values formation, and to periodically review such for purposes of upgrading.

3
4 Private preschool institutions shall henceforth implement the appropriate curriculum
5 prescribed by the Department.

6
7 *Sec. 17. Developmentally Appropriate Experiences.* The preschool program shall incorporate the
8 use of developmentally appropriate experiences in physical development, social
9 development, supportive emotional and social environment, intellectual and cognitive
10 development, staff-child ratio, language of learning, and parental involvement. Such
11 programs aim to develop the preschool children's intrapersonal and interpersonal skills as
12 well as enhancing their self-management and independence.

13
14 The program shall also include appropriate learning activities and teaching techniques in
15 accordance with each child's level of comprehension and maturation.

16
17 *Sec. 18. Physical Development Program.* The physical development program shall help
18 develop the gross and fine motor coordination of a child through play and manipulative
19 activities like games, simple work and those that develop physical fitness, and through:

- 20
21 (a) Adequate indoor and outdoor space pursuant to Chapter V of this Act;
22 (b) Developmentally appropriate materials and equipment, in sufficient quantity to allow
23 choice, and providing supervised time for children to use large and small muscles to
24 increase their physical skills;
25 (c) Appropriate guidance while the school children use equipment and materials that
26 promote their physical growth; and
27 (d) Developmentally appropriate information about health as an integral part of program
28 activities.

29
30 *Sec. 19. Social Development Program.* The social development program shall help develop
31 skills and behavior pertaining to independence and social behavior including development of
32 health habits and independence in dressing, eating, sleeping and toileting, relating with
33 teachers, peers and other people through group play and/or interaction. It also deals with
34 the development of ability to follow rules and routines.

35
36 The program shall likewise promote the development of social skills and social interactions
37 by providing positive guidance with clear and consistent rules presented in developmentally
38 appropriate ways such as positive adult and peer role models, focusing on the level of the
39 child.

40
41 *Sec. 20. Supportive Emotional and Social Environment Program.* The supportive emotional and
42 social environment program shall promote affective development through experiences that
43 help preschool children develop love for self, others and the community. The program shall
44 provide a supportive social and emotional climate that:

- 45
46 (a) Enhances the preschool children's understanding of themselves as individuals, and in
47 relation to others, by providing for individual, small group, and large group activities;
48 (b) Gives preschool children many opportunities for success through developmentally
49 appropriate program activities; and
50 (c) Provides an environment of acceptance that helps preschool children develop positive
51 self-concept, enhance their individual strengths, build ethnic pride, and facilitate social
52 relationships.

53
54 *Sec. 21. Intellectual and Cognitive Development Program.* The intellectual and cognitive

1 development program shall include activities that promote the development of intellectual
2 skills particularly in the areas of communication skills and sensory-perceptual and numeric
3 concepts and skills by:

- 4
- 5 (a) Encouraging preschool children to solve problems, initiate activities, explore,
6 experiment, question, and gain mastery through learning by doing concrete
7 experimental learning;
- 8 (b) Promoting language understanding and use in an atmosphere that encourages each
9 communication among preschool children and between children and adults;
- 10 (c) Utilizing a curriculum in which a variety of skills are integrated into activities targeted
11 toward the interest of preschool children;
- 12 (d) Encouraging preschool children to organize their experiences and understand
13 concepts;
- 14 (e) Utilizing a language experience approach to introduce printed materials according to
15 the individual developmental level of the preschool children; and
- 16 (f) Providing a daily balance of activities in the following dimensions: indoor and
17 outdoor; quiet and active; individual and group; large and small groups; child and
18 staff initiated; and structured and spontaneous.

19
20 Sec. 22. *Staff-Child Ratio.* Each preschool institution shall maintain the following staff-child
21 ratio:

22	23	24	25
	Age Range of Children (at the time of enrolment)	Number of Staff	Number of Children
26	2 years old - 3 years old	1	6
27	3 years & 1 day - 4 years old	1	10
28	4 years & 1 day - 5 years old	1	12

29
30 Only the personnel directly involved with the immediate care and teaching of children shall
31 be considered in determining the staff-child ratio.

32
33 Compliance with staff-child ratio shall be determined on a school-wide basis and not on an
34 individual classroom basis.

35
36 Sec. 23. *Language of Learning.* At the Day Care level, the mother tongue shall be used as
37 language of learning for all subjects. At this stage, oral fluency in the mother tongue shall be
38 developed.

39
40 At the preschool level (5 years old), the following language of learning shall be
41 institutionalized:

- 42
- 43 (a) Introduction of oral fluency in Filipino as a subject;
- 44 (b) Introduction of oral fluency in English as a subject;
- 45 (c) Continuing development on oral fluency in the mother tongue and the introduction of
46 the mother tongue emergent literacy; and
- 47 (d) Mother tongue as language of learning for all subjects.

48
49 Sec. 24. *Parental Involvement Program.* The parental involvement program shall allow the
50 active parental involvement in the preschool children's activities. Consideration of the
51 different types of family structures, such as those with single parenthood, adoption, foster
52 care and extended family, shall be made when planning activities.

53
54 The following activities shall be made available to the parents:

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

Chapter V
PHYSICAL ENVIRONMENT

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

The Owner and/or Director shall ensure that:

- (a) All facilities within the school premises, including the floors, walls and ceilings, and other areas not considered when computing activity space under Section 26 are clean and maintained properly;
- (b) There is at least one toilet seat for every twenty-five (25) children at one time which is conveniently accessible to the children;
- (c) Sufficient water supply is available to the children during the hours of operation;
- (d) The sewage and garbage facilities in the school premises are clean and that proper disposal of garbage is maintained to prevent health hazards; and
- (e) A telephone line is available in the school premises.

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

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

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

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

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

- (a) If there are unsafe areas such as drainage ditches, open storm sewers, wells, holes, railroad tracks, or heavy street traffic in or near the outdoor play area, an appropriate fence shall be provided to safeguard the children involved in the outdoor activity;
- (b) Pets, if present, must be physically controlled or restrained, and proof of vaccination

1 shall be available for cats and dogs; and

- 2 (c) The grounds shall be kept neat and clean, free from insects and rodents, and properly
3 sloped or drained to prevent stagnant water collection.
4

5 The use of the nearest park or open space, instead of a playground within preschool premises,
6 as outdoor activity space does not excuse the Owner and/or Director from ensuring that the
7 above regulations are met.
8

9 *Sec. 28. Use of School Building.* The building from where the preschool operates shall be used
10 solely for educational purposes. Its conversion into a residential or commercial purpose,
11 even if done after class hours, shall be strictly prohibited.
12

13 *Sec. 29. Provision of Furniture, Equipment and Related Materials.* The furniture, equipment and
14 materials allocated for the use of the school shall be of sufficient quantity, quality and variety
15 to meet the needs of the preschool children and shall be arranged in a way as to facilitate
16 learning, assure a balanced program of spontaneous and structure activities, and encourage
17 self-reliance in the children.
18

19 *Sec. 30. Provision of Safe Environment.* The preschool premises shall be free from potential
20 accident hazards such as diggings, uncovered wells, broken glasses, open electric wires,
21 unsafe electrical outlets, and other similar matters. The Owner and/or Director shall provide
22 the necessary safety measures and equipment to ensure that preschool children may enjoy a
23 healthy and hazard-free environment.
24

25 Chapter VI 26 QUALIFICATIONS OF PRESCHOOL PERSONNEL 27

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

32 For purposes of this Act, the Owner of the preschool institution shall be considered part of
33 the preschool personnel if he/she has contact with the students therein.
34

35 *Sec. 32. The Director.* The Director shall plan, implement, supervise, monitor and evaluate a
36 school program along with the other competent members of the preschool personnel.
37 He/She shall possess the following qualifications:
38

- 39 (a) College degree in a discipline allied to education with at least eighteen (18) units of
40 preschool education course;
41 (b) Preferably with a masters degree in education; and
42 (c) At least two (2) years of very satisfactory work experience in a school setup.
43

44 The Director's experience in preschool teaching with very satisfactory performance may, at
45 the discretion of the Department, be considered in place of the preschool education course
46 units required.
47

48 *Sec. 33. The Teacher.* The teacher shall be directly in charge with the handling of preschool
49 children. He/She shall possess any of the following qualifications:
50

- 51 (a) Bachelor of Science degree with specialization in Family Life and Child Development
52 or Early Childhood Education or Kindergarten;
53 (b) Bachelor of Science in Elementary Education with eighteen (18) units in Preschool
54 Education and fifty-four (54) hours of practicum in preschool classes; or

1 (c) Bachelor of Arts/Science degree in a discipline allied to education, arts, nursing, or
2 anthropology with eighteen (18) units of preschool education.
3

4 *Provided*, That upon appointment, the teacher shall have at least six (6) units of preschool
5 education subject: *Provided, further*, That the requirement of eighteen (18) units of preschool
6 education may be gradually implemented as follows:
7

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

12
13 Sec. 34. *The Para-Professional*. The para-professional, employed as a teacher aide, teacher
14 helper, or assistant teacher, shall have the following qualifications:
15

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

20
21 Sec. 35. *Personnel for Emergency*. The preschool institution shall, at all times, have standby
22 personnel within the school premises that are trained in emergency medical first aid response.
23

24 Chapter VII
25 DUTIES AND RESPONSIBILITIES OF THE PRESCHOOL PERSONNEL
26

27 Sec. 36. *General Responsibilities*. The preschool personnel shall have the following general
28 responsibilities:
29

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

42
43 Sec. 37. *Academic Responsibilities*. The preschool personnel shall likewise have the following
44 academic responsibilities:
45

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

52
53 Sec. 38. *Adequate Supervision*. The preschool personnel designated by the owner to take
54 charge of the preschool children shall be responsible in providing adequate supervision and

1 control over the children in attendance.

2
3 The preschool personnel shall have adequate knowledge on the whereabouts of each and
4 every preschool child in attendance and shall always position themselves within the sight or
5 hearing distance of every child under their supervision.

6
7 Negligence or willful lack of supervision on the part of the preschool personnel shall be a
8 basis for suspension or revocation of the preschool's permit to operate, without prejudice to
9 the imposition of the appropriate penalties as prescribed under Chapter XI of this Act.

10
11 *Sec. 39. Discipline of Children.* No preschool personnel shall be allowed to inflict any form of
12 physical punishment on any child in attendance as a means of imposing discipline.

13
14 Preschool personnel shall also be prohibited to impose discipline to a preschool child through
15 any of the following means: abusive or profane language; denial of food; forced napping;
16 subjection to derogatory remarks about the child or his/her family; threats of physical
17 punishment; yelling or screaming; or any other similar forms of discipline.

18
19 *Sec. 40. Overall Obligation.* Unless otherwise provided herein, compliance with all the
20 standards imposed by this Act shall be the responsibility of the Owner of the preschool
21 institution. Failure to comply with these standards shall merit the imposition of appropriate
22 penalties for the owner without prejudice to the imposition of liability against any other
23 member of the school's personnel if found to have committed any act of negligence.

24
25 Chapter VIII
26 FEES, CONTRIBUTIONS AND DONATIONS
27

28 *Sec. 41. School Fees.* The preschool institution shall determine its rate of tuition,
29 miscellaneous fees and other charges. The fees and other charges imposed by the preschool
30 and their application and use shall be subject to the rules and regulations issued by the
31 Department.

32
33 The application for permit of new preschool shall include information on tuition,
34 miscellaneous fees, and other charges.

35
36 *Sec. 42. Authority to Regulate School Fees.* The Department shall have the authority to regulate
37 the fees charged by a preschool institution based on the pre-established objective standards
38 that the fees charged shall not be arbitrary, excessive and onerous.

39
40 The pre-established standards that determine whether the fees charged are arbitrary,
41 excessive and onerous may relate to indicators such as profit margin and rate of increase.
42 Qualitative factors such as improvement of facilities, qualifications of teaching and non-
43 teaching personnel, and quality of curriculum offered may also serve as indicators together
44 with the quantitative factors for the purpose of determining if the fees charged by a preschool
45 institution are fair and reasonable.

46
47 *Sec. 43. Prohibition on Contribution and Solicitation.* A preschool institution shall be prohibited
48 from collecting any kind or form of contribution and solicitation as a precondition for the
49 preschool children's continued school admission or for their completion of the program.

50
51 *Sec. 44. Issuance of Official Receipt.* A preschool institution shall be required to issue an
52 official receipt for all fees, charges and contributions received in the course of its operations.

53
54 *Sec. 45. Report of Financial Performance.* The owner of the preschool institution, upon

1 application for renewal of permit to operate, shall submit to the Department a copy of the
2 financial performance of the preschool for the previous year or for a longer period as may be
3 determined by the Department.

4
5 The financial report shall expressly indicate amount of tuition, miscellaneous fees, other
6 charges, gifts and donations collected and/or received by the preschool institution during the
7 period covered by the report.

8
9 Chapter IX
10 RULE IN ADMISSION

11
12 Sec. 46. *Non-discrimination in Admission.* No child shall be refused admission in a preschool
13 institution on the basis of legitimacy or illegitimacy, sex, social status, religion, political
14 antecedents, and other related factors. As such, the preschool institution shall not require the
15 submission of any of the following documents as requisites for enrolment:

- 16
17 (a) marriage certificate of parents;
18 (b) baptismal certificate of the child;
19 (c) income tax return of parents/guardian; and
20 (d) all other documents solely intended to identify the child's legitimacy or illegitimacy,
21 sex, social status, religion, political antecedents, and other related factors.

22
23 The policy against non-discrimination shall be read in consonance with the principles of
24 religious freedom in cases where the entity operating the preschool is a religious institution.

25
26 Sec. 47. *Atmosphere of Tolerance and Acceptance.* The preschool institution shall promote an
27 atmosphere of tolerance and acceptance. No child shall be disadvantaged, treated differently
28 or discriminated in any manner in a preschool on the basis of the factors described in the
29 preceding section.

30
31 Chapter X
32 IMPLEMENTING AND REGULATING AUTHORITY

33
34 Sec. 48. *Implementing Agency.* The authority to regulate the organization, operation and/or
35 implementation of the preschool education program shall be vested upon the Department,
36 through the Bureau of Elementary Education.

37
38 Sec. 49. *Duties, Powers and Functions.* The Department shall have the following duties,
39 powers and functions:

- 40
41 (a) To oversee and supervise the implementation of the preschool education program
42 throughout the country;
43 (b) To authorize the opening of preschool education classes in all private schools,
44 including the registration and accreditation of private preschool institutions and order
45 closure of the same if found violating Department rules and regulations and/or found
46 operating without a permit or Certificate of Recognition;
47 (c) To develop the curriculum for preschool education consistent with the universally
48 accepted norms and standards, including values formation, and to periodically review
49 such for purposes of upgrading;
50 (d) To conceive, develop and extend a regular training program to preschool education
51 teachers to ensure constant updating of their knowledge in modern trends,
52 methodologies and concepts on early childhood education;
53 (e) To prescribe the necessary qualifications for the hiring and accreditation of teachers
54 who will handle the preschool education program; and

1 (f) To formulate the necessary guidelines and regulatory standards in connection with the
2 operation of private preschool institutions.
3

4 Chapter XI
5 LIABILITIES AND PENALTIES
6

7 Sec. 50. *Unauthorized Preschool Operation.* Any person operating a preschool institution
8 without a permit or authority from the Department shall suffer the penalty of at least one (1)
9 month imprisonment and/or a fine not exceeding Five Thousand Pesos (P5,000.00) for every
10 day of operation without a permit to operate, subject to the discretion of the Court.
11

12 The person liable under this section may or may not be the owner of the preschool institution
13 being operated without a permit or authority.
14

15 Sec. 51. *Administrative Sanctions.* The Department shall prescribe and impose administrative
16 sanctions against the Owner of the preschool institution that it may deem reasonable and
17 appropriate for any of the following causes:
18

- 19 (a) Unauthorized operation of a preschool, without prejudice to the filing of a case against
20 the owner pursuant to the immediately preceding section;
21 (b) Negligence or wilful lack of supervision of children;
22 (c) Failure to comply with any of the obligations or standards prescribed by this Act;
23 (d) Mismanagement of school operations;
24 (e) Gross inefficiency of the teaching or non-teaching personnel; or
25 (f) Fraud or deceit committed in connection with the application for a permit or
26 recognition.
27

28 The imposition of administrative sanctions by the Department shall be limited only to the
29 following:
30

- 31 (a) Suspension or revocation of permit to operate;
32 (b) Temporary or permanent closure of the preschool facility and service;
33 (c) Fines and penalties; and
34 (d) Prohibition to operate a preschool service or facility or any other educational
35 institution.
36

37 Sec. 52. *Civil Penalties.* Any preschool personnel, who shall commit any act or omission,
38 whether intentional or due to negligence, related to the preschool operations that may have
39 resulted to any damage or injury on the child enrolled therein, shall be liable to pay damages,
40 fines and/or other civil penalties.
41

42 Sec. 53. *Penal Provisions.* In addition to the imposition of any of the above administrative
43 sanctions or civil penalties, preschool personnel found to have violated any provision of this
44 Act shall be liable to the penal sanctions prescribed under the Revised Penal Code and other
45 special laws with penal provisions such as the Child and Youth Welfare Code, the Anti-Child
46 Abuse Act, and the Juvenile Justice and Welfare Act.
47

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

1 Chapter XII
2 FINAL PROVISIONS
3

4 Sec. 55. *Implementing Rules and Regulations.* The Department of Education shall, upon
5 consultation with the Department of Social Welfare and Development, Department of Health
6 and the Department of the Interior and Local Government, promulgate the necessary
7 Implementing Rules and Regulations within ninety (90) days after the effectivity of this Act.
8

9 Sec. 56. *Transitory Provision.* Preschool institutions that are already in operation and have
10 been complying with the orders issued by the Department prior to this Act shall be given one
11 (1) year from the effectivity of this Act to comply with the standards prescribed herein.
12

13 Sec. 57. *Statutory Construction.* In case of doubt, the interpretation of any of the provisions of
14 this Act shall be construed liberally in favor of the protection and promotion of the
15 paramount interest of the preschool child.
16

17 Sec. 58. *Separability Clause.* If any provision of this Act is held invalid or unconstitutional, the
18 same shall not affect the validity and effectivity of the other provisions thereof.
19

20 Sec. 59. *Repealing Clause.* All laws, decrees, executive orders and rules and regulations, or
21 parts thereof, that are contrary to or inconsistent with the provisions of this Act are hereby
22 repealed or modified accordingly.
23

24 Sec. 60. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in at
25 least two (2) newspapers of general circulation.
26

27 *Approved,*