

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

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SENATE
S.B. No. **3329**

REGISTERED BY

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II, Sections 13 and 17 provide:

Section 13. The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

Section 17. The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.

The Constitution, Article XIV also provides:

Section 1. 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.

Section 2. The State shall:

(1) Establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society;

(2) Establish and maintain, a system of free public education in the elementary and high school levels. Without limiting the natural rights of parents to rear their children, elementary education is compulsory for all children of school age;

(3) Establish and maintain a system of scholarship grants, student loan programs, subsidies, and other incentives which shall be available to deserving students in both public and private schools, especially to the under-privileged;

(4) 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 community needs; and

(5) Provide adult citizens, the disabled, and out-of-school youth with training in civics, vocational efficiency, and other skills.

Section 3. (1) All educational institutions shall include the study of the Constitution as part of the curricula.

(2) They shall inculcate patriotism and nationalism, foster love of humanity, respect for human rights, appreciation of the role of national heroes in the historical development of the country, teach the rights and duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline, encourage critical and creative thinking, broaden scientific and technological knowledge, and promote vocational efficiency. x x x

Section 4. (1) The State recognizes the complementary roles of public and private institutions in the educational system and shall exercise reasonable supervision and regulation of all educational institutions. x x x

Section 5. (1) The State shall take into account regional and sectoral needs and conditions and shall encourage local planning in the development of educational policies and programs. x x x

According to the University of the Philippines Population Institute, the functional literacy rate among our population is 84% as of 2003. On the other hand, according to statistics from the Department of Education (DepEd), the country's dropout rate in elementary and secondary school is among the highest in Asia. In 2005, the country spent only 2.5% of its GDP on education. These statistics show the alarming state of education in the country.


The importance of education cannot be overemphasized. The progress and development of a country depends upon the quality of education it provides its people. This Act aims to improve the quality of elementary and secondary education in the country by stressing the duty

of parents to ensure the education of their children, broaden the authority and responsibilities of local school boards, and provide students accommodations to improve their school attendance.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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SENATE
S.B. No. **3329**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 TO IMPROVE ATTENDANCE IN ELEMENTARY AND SECONDARY SCHOOLS

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

5 SECTION 1. *Short Title.* – This Act shall be known as the “School Attendance Act of
6 2009.”

7 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State

8 (a) To give priority to education to foster patriotism and nationalism, accelerate
9 social progress, and promote total human liberation and development;

10 (b) To protect and promote the right of all citizens to quality education at all levels,
11 and shall take appropriate steps to make such education accessible to all;

12 (c) To establish, maintain, and support a complete, adequate, and integrated
13 system of education relevant to the needs of the people and society; and

14 (d) To recognize the right of every child to an education and to the development of
15 his or her skills for the improvement of his or her capacity for service to the country.

16 SECTION 3. *Duties of Parents.* – All parents and those who have the care of children
17 shall bring them up in some lawful and honest employment, and instruct them or cause them to
18 be instructed in reading, writing, spelling, grammar, geography, arithmetic, and Philippine
19 history and the Constitution. Each parent or other person having control of a child five years of
20 age and over and under eighteen years of age shall cause such child to attend a public school

1 regularly during the hours and terms the public school in the district in which such child resides
2 is in session, unless such child is a high school graduate or the parent or person having control of
3 such child is able to show that the child is elsewhere receiving equivalent instruction in the
4 studies taught in the public schools. The parent or person having control of a child sixteen or
5 seventeen years of age may consent, as provided in this section, to such child's withdrawal from
6 school. Such parent or person shall personally appear at the school district office and sign a
7 withdrawal form. The school district shall provide such parent or person with information on the
8 educational options available in the school system and in the community. The parent or person
9 having control of a child five or six years of age shall have the option of not sending the child to
10 school until the child is seven years of age. The parent or person shall exercise such option by
11 personally appearing at the school district office and signing an option form. The school district
12 shall provide the parent or person with information on the educational opportunities available in
13 the school system.

14 SECTION 4. *Penalty.* – Each day's failure on the part of each parent or person having
15 control of a child five years of age and over and under eighteen years of age to comply with
16 Section 3 shall be a distinct offense, punishable by a fine not exceeding five hundred pesos
17 (P500.00). All offenses concerning the same child shall be charged in separate counts in one
18 complaint. When a complaint contains more than one count, the court may give sentence on one
19 or more counts and suspend sentence on the remaining counts. If, at the end of twelve weeks
20 from the date of the sentence, it appears that the child concerned has attended school regularly
21 during that time, judgment on such remaining counts shall not be executed.

22 SECTION 5. *Duty of Local School Boards to Provide School Accommodations.* – Each
23 provincial, city, or municipal school board shall furnish, by transportation or otherwise, school
24 accommodations so that each child five years of age and over and under twenty-one years of age
25 who is not a graduate of a high school or vocational school may attend public school.

1 SECTION 6. *Private Schools and Instruction.* – Attendance of children at a school other
2 than a public school shall not be regarded as compliance with this Act requiring parents and
3 other persons having control of children to cause them to attend school, unless the teachers or
4 persons having control of such school file with the Secretary of Education student attendance
5 reports at such times and in such forms as the Secretary prescribes, and make such reports and
6 returns concerning the school under their charge to the Secretary, except that no report
7 concerning finances shall be required. The Secretary shall furnish to the teachers or persons
8 having charge of any school such forms as may be necessary for compliance with the provisions
9 of this section.

10 SECTION 7. *False Statement as to Age.* – Any parent or other person having control of a
11 child, who makes any false statement concerning the age of such child with intent to deceive any
12 school registrar of vital statistics or the teacher of any school, or instructs a child to make any
13 such false statement, shall be fined not more than five thousand pesos (P5,000.00).

14 SECTION 8. *Policies and Procedures Concerning Truants.* – (a) For purposes of this
15 section, “truant” means a child age five to eighteen, inclusive, who is enrolled in a public or
16 private school and has four unexcused absences from school in any one month or ten unexcused
17 absences from school in any school year.

18 (b) Each local school board shall adopt and implement policies and procedures
19 concerning truants who are enrolled in schools under their jurisdiction. Such policies and
20 procedures shall include, but need not be limited to, the following: (1) the holding of a meeting
21 with the parent of each child who is a truant, or other person having control of such child, and
22 appropriate school personnel to review and evaluate the reasons for the child being a truant,
23 provided such meeting shall be held not later than ten school days after the child’s fourth
24 unexcused absence in a month or tenth unexcused absence in a school year; (2) coordinating
25 services with and referrals of children to community agencies providing child and family
26 services; (3) annually at the beginning of the school year and upon any enrollment during the
27 school year, notifying the parent or other person having control of each child enrolled in the

1 public schools in writing of the obligations of the parent or such other person pursuant to Section
2 3; (4) annually at the beginning of the school year and upon any enrollment during the school
3 year, obtaining from the parent or other person having control of each child a telephone number
4 or other means of contacting such parent or such other person during the school day; and (5) a
5 system of monitoring individual unexcused absences of children which shall provide that
6 whenever a child enrolled in school fails to report to school on a regularly scheduled school day
7 and no indication has been received by school personnel that the child's parent or other person
8 having control of the child is aware of the pupil's absence, a reasonable effort to notify, by
9 telephone, the parent or such other person shall be made by school personnel or volunteers under
10 the direction of school personnel.

11 (c) Nothing in this Section shall preclude a provincial, city, or municipal school
12 board from adopting policies and procedures which exceed the requirements in this Section.

13 (d) The provisions of this Section shall not apply to any child receiving equivalent
14 instruction pursuant to Section 3.

15 SECTION 9. *Attendance Officers.* – Any provincial, city, or municipal school board shall
16 appoint attendance officers. Each attendance officer shall be sworn to the faithful performance
17 of his or her duties, and shall be under the direction of the principal or superintendent of schools
18 of the school board by which he or she is employed. He or she shall investigate the absence of
19 pupils from or the irregular attendance of pupils at school, cause such pupils who are absent or
20 irregular in attendance to attend school regularly, and present cases requiring prosecution for
21 violation of the school laws to prosecuting officers.

22 SECTION 10. *Habitual Truants.* – Each province, city, or municipality may adopt
23 ordinances concerning habitual truants from school and children between the ages of five and
24 eighteen years wandering about in the streets or public places, having no lawful occupation and
25 not attending school, as shall conduce to their welfare and to public order. For purposes of this
26 section, “habitual truant” means a child age five to eighteen, inclusive, who is enrolled in a
27 public or private school and has twenty unexcused absences within a school year.

1 SECTION 11. *Policy on Dropout Prevention.* – Each provincial, city, or municipal
2 school board shall adopt a policy on dropout prevention. The policy shall include, but not be
3 limited to, the encouragement of (a) local identification of students in kindergarten to fourth year
4 high school who are at risk of dropping out of school; (2) the development, expansion, and
5 coordination of local services to such students; and (3) the coordination of dropout prevention
6 programs administered by government agencies.

7 SECTION 12. *Dropout Prevention Grant Program.* – (a) Consistent with the policy
8 adopted pursuant to Section 11, the Department of Education shall establish a student dropout
9 prevention grant program, in each fiscal year in which funds are appropriated, to assist local and
10 regional school districts with the greatest need in decreasing the number of students dropping out
11 of school and increasing their graduation rate. Local school boards shall use the grants to
12 conduct needs assessments, implement or expand innovative programs, evaluate existing efforts,
13 or implement other activities specified in a project plan developed pursuant to subsection (d) of
14 this section.

15 (b) The Secretary of Education shall identify the eligibility criteria for participation in
16 the program annually, on or before January fifteenth of each year. Eligibility criteria shall
17 include, but not be limited to, graduation rates and educational need.

18 (c) The Secretary of Education shall identify each local or regional school district
19 eligible to participate in the program. Such identification shall be done annually, on or before
20 March fifteenth of each year. Grant recipients shall be selected from those school districts so
21 identified. Such identification shall not constitute a grant entitlement.

22 (d) Local school boards in school districts which have been identified pursuant to
23 subsection (c) of this section may annually submit grant proposals to the Secretary of Education
24 at such time and in such manner as the Secretary prescribes. Each proposal shall be based on a
25 three-year project plan; shall include, but not be limited to, project goals, objectives, evaluation
26 strategies, staff assignments, and a budget which shall identify local funding and other available
27 resources for the three-year period; and may include programs or services which are provided

1 through written agreements with nonprofit organizations or private employers or programs or
2 services which are provided to children of school age who are not attending school in order to
3 promote their return to school.

4 (e) Within the availability of funds, the Secretary shall determine whether to
5 authorize a grant award to a local school board upon receipt of a grant proposal pursuant to
6 subsection (d) of this section and shall determine the amount of any such grant. Such
7 authorization shall be made on or before September fifteenth of each fiscal year in which
8 payment is to be made. The amount of the award shall be based upon criteria including, but not
9 limited to, district enrollment and the proposal submitted pursuant to subsection (d) of this
10 section. Of the total amount appropriated in each fiscal year for the purposes of this section, the
11 *Department of Education (1) may set aside not more than five per cent to provide administrative*
12 *assistance relating to the implementation of this section; and (2) shall set aside five per cent for*
13 *competitive grants for local school boards not eligible to participate in the program pursuant to*
14 *subsection (c) of this section. The timelines for identifying the eligibility criteria for such*
15 *competitive grants, for identifying school districts eligible for such grants, for submitting*
16 *proposals and for authorizing grant awards shall conform to the respective timelines described in*
17 *this subsection and subsections (b) to (d), inclusive, of this section.*

18 (f) Each local school board participating in the grant program shall prepare a
19 financial statement of expenditures and an annual project report. The report shall describe the
20 project activities and the degree to which the project met its goals and objectives. Such financial
21 statements and reports shall be submitted to the department on or before September first of the
22 fiscal year immediately following each fiscal year in which the local school board participates in
23 the grant program. On or before December thirty-first of the fiscal year following the fiscal year
24 in which payment is received, each local school board which receives a grant pursuant to this
25 section shall file with the Secretary of Education a financial audit in such form as the Secretary
26 prescribes. If the Secretary finds that any such grant is being used for purposes which are not in
27 conformity with the purposes of this section, the Secretary may require repayment of the grant.

1 SECTION 13. *Rules and Regulations.* – The Secretary shall prescribe appropriate rules
2 and regulations to carry out the provisions of this Act.

3 SECTION 14. *Authorization of Appropriations.* – To carry out the provisions of this Act,
4 there are authorized to be appropriated such sums as may be necessary for each fiscal year.

5 SECTION 15. *Separability Clause.* – If any provision, or part hereof is held invalid or
6 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
7 valid and subsisting.

8 SECTION 16. *Repealing Clause.* – Any law, presidential decree or issuance, executive
9 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
10 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

11 SECTION 17. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
12 publication in at least two (2) newspapers of general circulation.

Approved,

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