

SENATE

'12 JUN -6 '8 :13

S. B. No. 3226

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INTRODUCED BY SENATOR ALAN PETER "COMPAÑERO" S. CAYETANO

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#### EXPLANATORY NOTE

A UNICEF survey, cited by the Department of Education (DepEd), found that 13% of Filipino children have some disabilities in one form or another. This is slightly higher than the World Health Organization (WHO) estimate that ten percent (10%) of any given population shall have some disabilities. Given these conditions, proactive measures need to be instituted to cater to their educational needs.

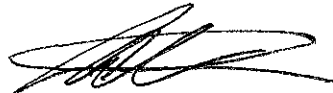
According to figures from DepEd, there are 155 special education centers throughout the 189 divisions of the DepEd with 1,176 SPED teachers to address the needs of these children. For school year 2008 - 2009, these centers catered to only 162,858 students or just around three percent (3%) of the expected children with special needs. Among the many reasons for this situation is the limited financial resources available to DepEd. The present facilities and programs of the DepEd are insufficient to meet the current requirements of children with special needs. Inasmuch as there is an unwavering effort to increase the budget of DepEd every year, exploring alternative sources of funding on top of the current effort may be a reasonable and practicable route.

The Special Education Fund (SEF) which is an additional 1% tax on of the Real Property Tax levied by local government units, may be a viable source. This bill seeks to set aside 10% of the SEF of every local government unit for the purpose of supporting their programs, as well as those of DepEd, for children with special needs. This bill further encourages local government units the authority to allot a portion of their general fund in support of these programs.

This bill is in line with the mandate of Section 1, Article XIV of the Constitution provides that, "[t]he 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", and Section 1, Article XIII also provides that: "[t]he Congress shall give highest priority to the enactment of measures that protect and enhance the right of all people to human dignity," and "reduce ... inequalities ..."

All Filipino children should have an opportunity and access to free and quality education. There is no reason to leave any child educationally deprived especially those who are in most need of the support of government. A proper environment must be provided those special children so as not to take away from them the opportunity to succeed. Thus, it is the intention of this bill to ensure that resources are regularly and sustainably allocated nationwide for the education and well-being of children with special needs.

In view of the foregoing, approval of this bill is earnestly sought.



Senator Alan Peter "Compañero" S. Cayetano

SENATE

17 JUN -6 28:13

S. B. No. 3226

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INTRODUCED BY SENATOR ALAN PETER "COMPAÑERO" S. CAYETANO

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AN ACT  
PROVIDING FOR A SUPPORT MECHANISM FOR THE PROGRAMS OF THE  
DEPARTMENT OF EDUCATION GEARED TOWARDS THE ADVANCEMENT OF THE  
INTERESTS OF CHILDREN WITH SPECIAL NEEDS, AND FOR THE PURPOSE,  
AMENDING SECTION 272 OF REPUBLIC ACT 7160 OTHERWISE KNOWN AS THE  
LOCAL GOVERNMENT CODE OF 1991 ON THE LOCAL SPECIAL EDUCATION FUND

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

**SECTION 1. Title.** – This Act shall be known as the “**Children with Special Needs Education Fund Act of 2012.**”

**SECTION 2. Declaration of Policy.** – Pursuant to Section 1, Article XIV of the Constitution which provides that “The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all”, and Section 1, Article XIII which provides that: “The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all people to human dignity, reduce ... inequalities ...”, it is hereby declared the policy of the State to ensure that resources are regularly and sustainably allocated nationwide for the education and well-being of children with special needs.

**SECTION 3. Definition of Terms.** – For purposes of this Act:

- a.) “Special needs child/Child with special needs” – refers to a child, aged three (3) to eighteen (18) years old, who is suffering from physical medical, mental, emotional or behavioral disorders. This can also refer to a child who has a high risk of developing a problem as a result of neglect or abuse, hereditary factors, early or prenatal exposure to drugs, or other factors.
- b.) “Special Education” – refers to the social and educational services provided by the State to children with special needs who are between three (3) to eighteen (18) years old.
- c.) “Academically-gifted child” – refers to the child who performs or displays potential for performing at a very advanced level of accomplishment when compared with other children of his or her age.

**SECTION 4. Coverage.-** This Act shall cover all children with special needs, as defined in this Act. Academically-gifted children shall not be considered a special needs child for the purposes of this Act.

**SECTION 5. Allocation of the Special Education Fund. –** To fulfill the intent of this Act to extend regular and sustained support for the education and well-being of children with special needs, ten percent (10%) of the proceeds of the Special Education Fund (SEF) released to the local school boards of each local government unit (LGU) pursuant to Sections 235 and Section 272 of RA 7160 (Local Government Code of 1991) shall be automatically set aside by the local school board to support programs of the Department of Education, done in coordination and consultation with the respective local chief executives, and the local school boards for special education centers and schools within the territorial jurisdiction of such local government unit concerned.

**SECTION 6. Matching Fund from DepEd. –** The Department of Education shall allocate an appropriate amount from its regular budget for the regular and sustained support of the education and well-being of children with special needs.

**SECTION 7. Authority to Local Government Units. –** Each local government unit shall have the authority to set aside a portion of their general fund for the purpose of augmenting the allocation of the Department of Education for the support of special education centers or schools within the territorial jurisdiction of such local government unit.

**SECTION 8. Construction.-** This Act shall be liberally construed to promote the welfare and advancement of children with special needs.

**SECTION 9. Implementing Rules and Regulations. –** Within ninety (90) days upon the approval of this Act, all concerned agencies shall formulate rules and regulations as may be necessary for the proper implementation thereof.

**SECTION 10. Separability clause. –** If any part, Section or provision of this Act is declared invalid or unconstitutional, the other parts thereof not affected thereby shall remain valid.

**SECTION 11. Repealing clause. –** All laws, acts, presidential decrees, executive orders, administrative orders, rule and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

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

Approved,