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REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



Senate  
Office of the Secretary

13 JUL -8 P5:11

SENATE

S. No. 639

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**Introduced by Sen. Antonio "Sonny" F. Trillanes IV**

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**Explanatory Note**

The Information Age, globalization, rapid change, segmentation of the society - these are the challenges which considerably increase the importance of a social and cultural role of education. The society will be able to respond to these challenges only if the education system is modern and flexible enough to meet the demands of the rapidly changing society.

The Open Learning and Distance Education (OLDE) could be a suitable response to this reality. OLDE provides tools that allow increased access to education. A student availing of distance learning can attend classes while at home or in the workplace with the use of modules, e-mail, chat and video conference. However, to ensure efficiency and quality, mechanisms should be employed to monitor the academic progress of the students.

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

**ANTONIO "SONNY" F. TRILLANES IV**

Senator



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AN ACT

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

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

1 **SECTION 1. Title.-** This Act shall be known as the "*Open Tertiary Education Act of 2013*".

2

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

9

10 **SEC. 3. Definition of Terms.-** For purposes of this Act, the following terms are hereby  
11 defined:

12 a. **Open Learning System** - A philosophy of learning that is highly flexible and learner- centered,  
13 that is the conditions for learning are controlled by the learner, thus enabling him to learn at the  
14 time, place and pace which satisfy his circumstances and requirements. It includes Expanded  
15 Tertiary Education, Equivalency and Accreditation Program (ETEEAP), prior learning, portfolio  
16 learning, non-traditional, or sorts of prior learning that could be submitted for formal recognition.

17 b. **Distance Education** - A System of delivering educational services to students who are  
18 disadvantaged by limited time, distance, or physical disability, among others, through the use of

1 specially designed materials and methods and supported by organizational and administrative  
2 structures and arrangements. It is characterized by the separation of learner and teacher, the  
3 influence of an organization, the possibility of occasional meetings and face-to-face interactions,  
4 the recourse to an industrialized form of education, and the use of technical media such as print,  
5 radio, audio, video and computers.

6 c. Open University - A university which makes use of the open learning system by offering  
7 distance education programs at the tertiary level to students who cannot complete their education  
8 using the traditional mode.

9  
10 **SEC. 4. Coverage.-** This Act shall apply to public and private higher education  
11 institutions with existing open learning programs and to other institutions which shall later be  
12 authorized as qualified implementers of the System.

13  
14 **SEC. 5. Admission Requirements.-** Admission to an open tertiary education shall be  
15 governed by these admission requirements:

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

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

20  
21 **SEC. 6. Program Requirements.-** There shall be defined a set of courses (Subjects)  
22 and/or examinations, the completion of which shall be required for graduation from a program,  
23 and which shall be equivalent to those under the formal system.

24 a. The place, pace and mode of study shall be done at the option and convenience of the student,  
25 except in the case of examinations of which its context, content and conduct shall be determined  
26 by the institution.

27 b. The CHED and/or the institution concerned shall develop and implement a mechanism to  
28 monitor the academic progress of the students.

1 c. The programs to be offered and the curricula to be implemented under the open tertiary  
2 education shall conform to the CHED's updated policies and guidelines on open learning and  
3 distance education.

4 d. Completion of a program shall be evidenced by the award of the appropriate certificate or  
5 diploma.

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

9

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

12 a. Media

13 1. Print - textbooks, study guides, workbooks, course syllabi, correspondence feedback,  
14 and other print formats;

15 2. Audio-Visual - radio, audio cassette tapes, slides, film, videotapes, television,  
16 telephone, fax, audio-conferencing, video-conferencing;

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

19 4. Face-to-face sessions.

20 b. Autonomous open learning/distance education institutions or independent open  
21 learning/distance education departments of a conventional or traditional institute college or  
22 university;

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

25

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

29 a. Qualified faculty with experience and/or training in distance education;

- 1 b. Relevant curricular programs;
- 2 c. Appropriate educational materials;
- 3 d. Suitable student support services and delivery system; and
- 4 e. Linkages with other appropriate institutions as study centers.

5

6 **SEC. 9. Support to Students.**- Any student enrolled under this Act shall be given access  
7 to all privileges, opportunities and entitlements that a student similarly situated under the  
8 traditional system may have access to, including but not necessarily limited to, availment of  
9 scholarships, grants and loans from the government or government-administered funding  
10 sources. Specifically, higher education institutions shall be tasked to perform the following  
11 support services:

- 12 a. Maintain faculty-student dialogue in strategic sites and/or establish learning centers or  
13 linkages with other HEIs to insure greater access to the clientele for admission, tutorial,  
14 counseling, testing and evaluation activities;
- 15 b. Provide clear admission policies and procedures for applicants;
- 16 c. Provide for an efficient and reliable communication system and media support including  
17 equipment and facilities;
- 18 d. Show evidence of regular monitoring of learners' progress; and
- 19 e. Provide liberty and learning resources for the students.

20

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

- 25 a. Promulgate the necessary rules and regulations for the effective implementation of the System;
- 26 b. Propose approaches to improve the quality of distance education in the country and formulate  
27 a quality control mechanism for distance education in the country and formulate a quality control  
28 mechanism for distance education;
- 29 c. Monitor and evaluate existing open learning programs;

- 1 d. Review and approve proposals for new open learning programs from educational institutions;  
2 and  
3 e. Recommend to the Department of Budget and Management (DBM) the budget for open  
4 learning programs of qualified higher education institutions based on the CHED monitoring and  
5 evaluation results.

6  
7 **SEC. 11. *Role of Broadcast Stations and Telecommunications Network.***- Broadcast  
8 stations and telecommunications networks are encouraged to provide assistance and cooperation  
9 in support of the open learning system or in the delivery of distance education, which may  
10 include but not necessarily limited to, the transmission of materials for formal and non-formal  
11 courses to learners not only in the Philippines but also outside the country.

12  
13 **SEC. 12. *Tax Incentives.***- Private entities such as broadcast stations and  
14 telecommunications networks and others which shall provide appropriate materials, time and  
15 services to the system shall be given corresponding tax credits in accordance with existing rules  
16 and regulations.

17  
18 **SEC. 13. *Appropriations.***- The amount necessary to carry out the initial implementation  
19 of this Act shall be charged to the appropriations of the Commission on Higher Education under  
20 the current General Appropriation Act. Thereafter, the funds necessary for the continuous  
21 implementation of this Act in the ensuing years shall be included in the annual appropriations of  
22 CHED in the General Appropriations Act.

23  
24 **SEC. 14. *Implementing Rules and Regulations.***- The Commission on Higher Education  
25 (CHED), in consultation with relevant stakeholders in higher education, is hereby mandated to  
26 formulate the rules and regulations to implement this Act within a period of ninety (90) days  
27 from the effectivity thereof.

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

4  
5           **SEC. 16. *Repealing Clause.***- All laws, decrees, orders, rules and regulations or parts  
6 thereof specifically inconsistent with this Act are hereby repealed or modified accordingly.

7  
8           **SEC. 17. *Effectivity.***- This Act shall take effect fifteen (15) days after its publication in  
9 the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,