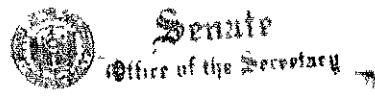


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



'13 JUL 18 P3:13

SENATE

S. No. 925

RECEIVED BY: *ja*

Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

Millions of college students enroll each semester but affordable access to quality textbooks and supplementary learning materials remains wanting. College students often spend large amounts of money to purchase textbooks but find that such books are little used after the semester. Books are left to be stocked in a cabinet rarely, if ever, to be reread or reused. This is of little to no consequence to students and families with the means to purchase textbooks. However, for students who come from modest family backgrounds, the mere thought of purchasing textbooks is a challenge to their dreams of higher education.

This proposed measure seeks to give life to the provisions of our Constitution which gives utmost priority to education. Under this bill, book rental distribution branches shall be established under a Philippine Textbook Rent Foundation. The Foundation will be tasked with the reproduction and acquisition of books needed in collegiate courses. This Foundation will allow students to rent instead of purchase the books they need for any given semester. Such a program will reduce the costs of college and post-graduate education.

Furthermore, a trust fund shall be established to source the funds to be used to purchase and reproduce the books needed by our college students in order to ensure the sustainability of this program.

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


MANUEL "LITO" M. LAPID
Senator

SIXTEENTH CONGRESS OF THE REPUBLIC)
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Senate
Office of the Secretary

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SENATE

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AN ACT

ESTABLISHING THE MECHANISMS TO ENSURE THE AVAILABILITY OF AFFORDABLE COLLEGE AND POST-GRADUATE TEXTBOOKS AND SUPPLEMENTAL MATERIALS FOR THE POOR, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

1 **SECTION 1. Short Title.** - This Act shall be cited as the "**Cheaper Books**
2 **for the Poor Act of 2013**".

3
4 **SEC. 2. Declaration of Policy.** -- It is hereby declared the policy of the
5 State to give priority to education to foster social progress and promote holistic
6 individual development. In this regard, the State shall protect and promote the right of all
7 citizens to quality education at all levels and shall take appropriate steps to make such
8 education accessible and affordable to all.

9 Towards this end, the State shall establish a mechanism whereby various
10 stakeholders shall work together to identify ways to decrease the cost of college
11 textbooks and supplemental materials for students while protecting the academic
12 freedom of faculty members to provide high quality course materials for their students.

13 In the pursuit of this policy, the State shall institutionalize a mechanism that will
14 ensure that poor college and post-graduate students will be provided with affordable
15 textbooks and supplemental materials in order to lower the cost of higher education.
16 Herewith, the State will establish an institution wherein students can borrow books at an
17 affordable price or on a loan basis in order to lower the cost of purchasing college and
18 post-graduate textbooks and supplemental materials.

1 **SEC. 3. *Definition of Terms.*** – As used in this Act, the following terms shall
2 be construed as follows:

3 (1) College and Post Graduate Textbook - The term shall mean a textbook or
4 a set of textbooks used for a course in tertiary and post graduate
5 education at an institution of higher education.

6
7 (2) Publisher - The term shall mean a publisher of college textbooks or
8 supplemental materials used for a course in tertiary and post graduate
9 education.

10
11 (3) Supplemental Material - The term shall mean educational material
12 published or produced to accompany a college and post graduate
13 textbook.

14 **SEC. 4. *Institutionalization of the Philippine Textbook Rent Foundation***
15 ***(PTRF).*** - There is hereby established and institutionalized a Philippine Textbook Rent
16 Foundation (PTRF), herein referred to as the “Foundation” which shall serve as an
17 attached agency of the Commission on Higher Education and which shall be tasked to
18 promote and ensure the availability of affordable and cheaper college and post graduate
19 textbooks to poor Filipino college students.

20 **SEC. 5. *Composition of the Philippine Textbook Rent Foundation***
21 ***(PTRF).*** - The Foundation shall be composed of the Secretary of the Department of
22 Education (DepEd) and the Chairman of the Commission on Higher Education (CHED)
23 who shall serve as the chairperson of the Foundation.

24 The Foundation shall be composed of the following members:

25 a) One (1) representative from the duly accredited association of private
26 schools for higher education;

27 b) One (1) representative representing the State Colleges and Universities
28 (SUCs) in the country;

29 c) One (1) representative from the duly accredited association of textbook
30 publishers and distributors;

31 d) One (1) representative from the duly accredited association of private
32 school teachers of higher education;

33 e) One (1) representative from the non-governmental organizations (NGOs)
34 involved in the advocacy of “Education For All”.

35

1 The five (5) members of the Foundation coming from the representatives of the
2 associations of private schools for higher education, state colleges and universities
3 (SUCs), textbook publishers and distributors, private school teachers of higher
4 education, and non-government organizations shall be appointed by the President of
5 the Philippines from a list of three (3) nominees from each sector and shall serve for a
6 term of three (3) years which may be renewable for another term: *Provided*, That the
7 person appointed shall be of good moral character, of unquestionable integrity, and with
8 expertise and experience of a least six (6) years in their respective sector: *Provided*,
9 *further*, That in the event of a vacancy, the successor appointed to fill the same shall
10 serve only the unexpired portion of the term of the member he/she succeeded.

11
12 The members of the Foundation appointed from government agencies and
13 institutions may designate permanent representatives who shall have a rank not lower
14 than an assistant secretary or its equivalent to attend meetings in their absence. All
15 members of the Foundation shall receive emoluments as may be determined by the
16 Foundation, in accordance with existing budget and accounting rules and regulations.

17
18 **SEC. 6. *Meetings.*** – The Philippine Textbook Rent Foundation shall meet
19 at least once a month upon a three-day notice signed by the Chairperson or as often as
20 necessary upon the written request signed by two-thirds (2/3) of its members.

21
22 The presence of a majority of the members of the Foundation shall constitute a
23 quorum in order for it to conduct its business.

24
25 **SEC. 7. *The Philippine Textbook Rent Foundation Secretariat.*** - The
26 Philippine Textbook Rent Foundation shall establish a Secretariat that shall serve as the
27 technical support staff to effectively implement the provisions of this Act.

28
29 The Foundation Secretariat shall be headed by an Executive Director who shall
30 be appointed by the Chairman of the Commission on Higher Education (CHED). The
31 Executive Director of the Foundation shall be responsible for the day-to-day operations
32 of the Philippine Textbook Rent Foundation.

33
34 **SEC. 8. *The Powers and Functions of the Philippine Textbook Rent***
35 ***Foundation.*** - The Philippine Textbook Rent Foundation shall have perpetual
36 succession and shall have all legal powers appertaining to a juridical person, particularly
37 the following powers:

38 a) to sue and be sued;

- 1 b) to enter into contracts;
- 2 c) to hold real and personal property as may be necessary for corporate
3 purposes;
- 4 d) to solicit and receive public and private donations and contributions for
5 purposes of performing their mandated functions;
- 6 e) to accept and receive real and personal property by gift, devise or
7 bequest;
- 8 f) to levy and charge affordable and reasonable fees from the textbooks and
9 supplemental materials that they lease or rent to poor college and post-
10 graduate students;
- 11 g) to adopt a seal, and to alter the same at pleasure;
- 12 h) to have offices and conduct its affairs in the Metro Manila area and other
13 parts in the country;
- 14 i) to make and adopt by-laws, rules and regulations not inconsistent with this
15 Act and the laws of the Philippines;
- 16 j) to promote the enforcement of this Act, as well as the other applicable
17 national legislations, rules, regulations, and standards;
- 18 k) to establish, initiate and coordinate multi-sectoral action plans at the
19 regional and local government unit level to mainstream the advocacy of
20 promoting the accessibility of cheaper books to the students;
- 21 l) to coordinate the implementation and dissemination of information on the
22 Philippine Textbook Rent Foundation website, which shall created
23 pursuant to this Act, so that the program on cheaper books will be made
24 accessible to the various parts of the country;
- 25 m) to receive donations and grants from international funding institutions,
26 foundations, and multilateral and bilateral foreign donor agencies involved
27 in the promotion and advocacy of "Education For All";
- 28 n) to provide a forum and avenue for exchange of information, exchange
29 programs, and sharing of best practices on issues relating to the provision
30 of cheaper textbooks to students;
- 31 o) to manage and operate the various branches that will be established in the
32 different local government units in the country in order to make cheaper
33 textbooks and supplementary materials accessible to poor college and
34 post-graduate students in the country;
- 35 p) to establish a databank which will provide detailed information on the
36 available textbooks for college students in the country; and

1 q) to hire and avail of the services of technical experts, consultants and staff
2 relevant fields of discipline for the effective implementation of its mandated
3 duties and functions.
4

5 The seal and emblem of the Philippine Textbook Rent Foundation shall be kept
6 in its national office.

7 **SEC. 9. Information, Education and Communication (IEC).** – The
8 Philippine Textbook Rent Foundation, in coordination with the Commission on Higher
9 Education (CHED) and the Philippine Information Agency (PIA), shall conduct a
10 nationwide information, education and communication (IEC) campaign to inform the
11 general public how to avail of the services and benefits offered by the Foundation.

12 **SEC. 10. Creation of a National Website.** - The Philippine Textbook Rent
13 Foundation, in coordination with the various stakeholders, is hereby mandated to
14 establish a national website its services publicly accessible. The Website shall highlight
15 the various packages and services being offered by the Foundation and provide the list
16 of accredited branches and distributors of cheaper books so that prospective borrowers
17 can register at the website and avail of the Foundation's services.
18

19 The Philippine Textbook Rent Foundation Website shall also incorporate a
20 market information system which shall be installed for the use and benefit of all the
21 prospective borrowers of college and post-graduate books all over the country.
22

23 **SEC. 11. On-Line Textbooks.** – Subject to the protection of intellectual
24 property rights, the Philippine Textbook Rent Foundation shall study the viability and
25 feasibility of uploading textbook content on its website so that students can have online
26 access to textbooks, should such access be more convenient.
27

28 Towards this end, the Philippine Textbook Rent Foundation shall make a
29 recommendation to Congress, within three (3) years from the date of the effectivity of
30 this Act, on the needed legislative reforms to make textbooks easily accessible online to
31 students from lower income families.
32

33 **SEC. 12. The Philippine Textbook Rent Foundation Trust Fund.** – There
34 is hereby established a Philippine Textbook Rent Foundation Trust Fund, hereinafter
35 referred to as the "Foundation Trust Fund", envisioned to exclusively support the
36 promotion and dissemination of accessible and affordable college and post-graduate
37 books all over the country.

1
2 The contribution to the Foundation Trust Fund shall be sourced from the
3 following:

- 4
- 5 a) An amount of One Hundred Million pesos (Php100,000,000.00) shall be
6 allotted annually in the annual General Appropriations Act (GAA) for a
7 period of five (5) years starting from the enactment of this Act;
 - 8
 - 9 b) An allocation of at least 25% of the net income of international airports and
10 seaports, to be taken from the share of the National Government under
11 Republic Act No. 7656; and
 - 12
 - 13 c) An amount of Fifty Million pesos (Php50,000,000.00) annually which shall
14 be taken from the Philippine Charity Sweepstakes Office (PCSO).
 - 15

16 Government Owned and Controlled Corporations (GOCCs) are hereby
17 authorized to give grants to the Fund at their discretion;

18

19 The contributions to the Fund shall be exempt from donor's tax and shall be
20 considered as allowable deductions from the donor's gross income, in accordance with
21 the provisions of the National Internal Revenue Code of 1997, as amended.

22

23 The Philippine Textbook Rent Foundation shall be the administrator of the Fund.
24 For the sound and judicious management of the Fund, the Foundation shall appoint a
25 government financial institution, with sound track record on fund management, as
26 portfolio manager of the Fund, subject to guidelines promulgated by the Foundation.

27

28 The Foundation shall prepare the implementing guidelines and decision-making
29 mechanisms, subject to the following conditions:

- 30
- 31 a) No part of the seed capital of the Fund, including earnings thereof, shall
32 be used to underwrite overhead expenses for administration, and
 - 33
 - 34 b) There shall be an external auditor to perform an annual audit of the Fund's
35 performance.
 - 36

37 **SEC. 13. Authority to Utilize Funds.** - The Philippine Textbook Rent
38 Foundation is hereby given the power to utilize its funds derived from dues,

1 assessments, donations, contributions, fees charged for services rendered, and such
2 other income from book rentals.

3
4 **SEC. 14. *Appropriation.*** – The amount necessary to implement the
5 provisions of this Act shall be included and incorporated in the annual general
6 appropriations of the various agencies of the government involved in the implementation
7 of the provisions of this Act.

8
9 **SEC. 15. *Implementing Rules and Regulations (IRR).*** - Within six (6)
10 months from the date of effectivity of this Act, the Department of Education (DepEd)
11 shall promulgate such necessary implementing rules and regulations to implement the
12 provisions of this Act.

13
14 **SEC. 16. *Repealing Clause.*** - All laws, decrees, executive orders, rules and
15 regulations, or parts thereof not consistent with the provisions of this Act are hereby
16 repealed or modified accordingly.

17
18 **SEC. 17. *Separability Clause.*** - If any provision or part of this Act shall be
19 held unconstitutional or invalid, the other provisions of this Act which are not affected
20 thereby shall continue to be in full force and effect.

21
22 **SEC. 18. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days
23 from the date of its publication in the Official Gazette or in at least two (2) newspapers
24 of general circulation.

Approved,