

SENATE
S.B. No. 499

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Introduced by SENATOR VICENTE C. SOTTO III

AN ACT
AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 7104,
OTHERWISE KNOWN AS "KOMISYON SA WIKANG FILIPINO
(COMMISSION ON THE FILIPINO LANGUAGE) ACT" AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

Pursuant to Section 9¹ Article XIV of the 1987 Constitution, the Commission on the Filipino Language was established through Republic Act No. 7104 in 1991. After almost three decades, there is a need to further intensify the work of the Commission on the Filipino Language (also referred to as Komisyon sa Wikang Filipino or "KWF") and directly attribute its mandate to the fulfillment of the language provisions of the 1987 Constitution enshrined in Section 6² and Section 7³ by the year 2040.

¹ Section 9, Article XIV of the 1987 Constitution.

The Congress shall establish a national language commission composed of representatives of various regions and disciplines which shall undertake, coordinate, and promote researches for the development, propagation, and preservation of Filipino and other languages.

² Section 6, Article XIV of the 1987 Constitution.

The national language of the Philippines is Filipino. As it evolves, it shall be further developed and enriched on the basis of existing Philippine and other languages.

Subject to provisions of law and as the Congress may deem appropriate, the Government shall take steps to initiate and sustain the use of Filipino as a medium of official communication and as language of instruction in the educational system.

³ Section 7, Article XIV of the 1987 Constitution.

For purposes of communication and instruction, the official languages of the Philippines are Filipino and, until otherwise provided by law, English.

The regional languages are the auxiliary official languages in the regions and shall serve as auxiliary media of instruction therein.

The lack of an enabling law that shall operationalize Section 6 and Section 7 of Article XIV of the 1987 Constitution was made clear in the Supreme Court's ruling in *CoTeSCUP v Sec of DepEd* that such language provision is non-self-executory.

The factual milieu is as follows:

1. Section 9 Article XIV of the 1987 Constitution states that "The Congress shall establish a national language commission composed of representatives of various regions and disciplines which shall undertake, coordinate, and promote researches for the development, propagation, and preservation of Filipino and other languages."
2. In 1991, Republic Act No. 7104, otherwise known as the "Commission on the Filipino Language Act."
3. Based on the deliberations on RA No. 7104, it was enacted by Congress pursuant to the Constitutional mandate to develop, propagate, and preserve the Filipino language. Section 2. Declaration of Policy states that, "Pursuant to the mandate of the Constitution, it is hereby declared to be a policy of the Government to ensure and promote the evolution, development and further enrichment of Filipino as the national language of the Philippines, on the basis of existing Philippine and other languages. To this end, the Government shall take the necessary steps to carry out the said policy."
4. Included in its powers is to "(g) Call on any department, bureau, office, agency or any instrumentality of Government or on any private entity, institution or organization for cooperation and assistance in the performance of its functions, duties and responsibilities."

5. In 2013, The Commission on Higher Education issued Memorandum Order No. 20, series of 2013 (CHED Memo 20) "General Education Curriculum: Holistic Understandings, Intellectual and Civic Competencies." The purpose was to allow greater flexibility than the current curriculum using an interdisciplinary approach. After a series of public consultations and public hearings, the said General Education Curriculum (GEC) was approved by the CHED Commission En Banc in March 2013.

6. After a year, the effects of the CHED Memo 20 has resulted in the exclusion of Filipino teachers such that all the GEC courses were taught in English and Filipino as a subject was no longer offered.

7. The broad and far-reaching effects of (1) all GEC courses being taught in English to the exclusion of Filipino as language of instruction and (2) Filipino as subject being ceased to be offered prompted the Komisyon sa Wikang Filipino to open a dialogue with the CHED.

8. A suit before the Supreme Court was filed and the Supreme Court, in an En Banc Resolution Dated 21 April 21, 2015, issued a Temporary Restraining Order insofar as it excluded from the curriculum for college Filipino and Panitikan as core courses.

9. CHED Memo Order No. 57 series of 2017 dated 15 June 2017 "Policy on the Offering of Filipino Subjects in all Higher Education Programs as Part of the New General Education Curriculum Per CHED Memo Order No. 20, series of 2013" was issued to comply with the Supreme Court TRO. Hence, Filipino (9 units) was sustained as a core course. (Please note that the issue of the use of Filipino as language of instruction was still not addressed.)

10. In October 2018, the Supreme Court lifted the Temporary Restraining Order by ruling that

(a) the Constitution, in appreciating the deliberations of the framers of the constitution, stating that Filipino be used as language of instruction, said that this is not a self-executory provision. The Constitution lays down policy but this is not judicially enforceable constitutional rights but merely guidelines for legislation. Furthermore, the Supreme Court stated that the use of Filipino as medium of official communication is still subject to provisions of law.

(b) that CHED Memo No. 20 did not violate Republic Act No. 7104 because nothing in the said law require that Filipino and Panitikan be included as subjects in the tertiary level. Further, as already established, it is within the authority of the CHED to determine the General Education distribution requirements. Lastly, the study of Filipino and Panitikan can easily be included as courses in the tertiary level, if the Higher Education Institutions wish to.

11. In March 2019, the Supreme Court ruled with finality and held CHED Memo No. 20 as constitutional.

Hence, it is incumbent upon Congress to craft legislation that shall operationalize the Constitutional policy on Filipino language—as official language and language of instruction in all levels of education—and authorize the CFL to strongly advocate agencies to comply with this Constitutional policy.

Thus, the approval of this measure is earnestly sought


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**AN ACT
AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO.
7104, OTHERWISE KNOWN AS "KOMISYON SA WIKANG
FILIPINO (COMMISSION ON THE FILIPINO LANGUAGE) ACT"
AND FOR OTHER PURPOSES**

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

SECTION 1. Section 1 of the Komisyon sa Wikang Filipino
(Commission on the Filipino Language, "KWF" or "CFL") Act is
amended to read as follows:

Section 1. Short title. This Act shall be known as the
"Komisyon sa Wikang Filipino (Commission on the Filipino
Language) Act."

SECTION 2. Section 2 of the Komisyon sa Wikang Filipino
(Commission on the Filipino Language) Act is amended to read as
follows:

Section 2. Declaration of Policy

Pursuant to the mandate of the Constitution, and as enabling law of Section 6 Article XIV on Language of the 1987 Constitution, it is hereby declared to be a policy of the Government to take steps to initiate and sustain the use of Filipino as medium of official communication and as language of instruction in the educational system through the promotion, evolution, development and further enrichment of Filipino as the national language. To this end, the Government, as spearheaded by Komisyon sa Wikang Filipino (Commission on the Filipino Language), shall take the necessary steps to carry out the said policy.

SECTION 3. Section 3 is amended to read as follows

Section 3. Definition of Terms. – As used in this Act, the following terms and defined as follows:

(a) Commission – refers to the Komisyon sa Wikang Filipino (Commission on the Filipino Language).

(b) Chairman – refers to the Chairman of the Commission.

(c) Filipino – refers to the national language of the Philippines.

(d) Philippine languages – refers to the indigenous languages of the Philippines, including Filipino as the national language; can also be called “native languages.”

(e) Other languages – refers to foreign languages, whether official or not, as long as they have influenced the indigenous languages and cultures to a certain degree.

(f) Ethnolinguistic communities – refers to certain geographical areas where particular groups of people speak a common language.

(g) Disciplines – refers to various fields of learning.

(h) Medium of official communication - refers to a language adopted by the Government as the language that it uses in its transactions

(i) Language of instruction - refers to a language adopted by the learning institution as the language that it uses in its educational instruction

(j) System of education - refers to all levels of education, including, but not limited to, basic education, secondary education, and tertiary education.

(k) Endangered language - refers to a Philippine language that is at-risk of vanishing according to factors set out by the Board of Commissioners.

SECTION 4. Section 4 is amended to read as follows:

Section 4. Creation of the Komisyon sa Wikang Filipino (Commission on the Filipino Language).

Creation of the Komisyon sa Wikang Filipino (Commission on the Filipino Language). There is hereby created a commission, to be known as the Komisyon sa Wikang Filipino (Commission on the Filipino Language), composed of representatives of the two branches of government and various ethnolinguistic groups, and different disciplines, which shall undertake, coordinate and promote researches for the development, propagation and preservation of Filipino and other Philippine languages.

It is the primary policy-making and coordinating body on language concerns and which shall be directly under the Office of the President.

The KWF (CFL) shall be the overall monitoring body and oversight agency to ensure the implementation of this Act. The KWF (CFL) shall also lead in ensuring that government

1 agencies are capacitated on the effective implementation of
2 this Act.

3 To the extent possible, the KWF (CFL) shall influence the
4 systems, processes, and procedures of the executive,
5 legislative, and judicial branches of government vis-a-vis
6 language policies to ensure the implementation of this Act.

7 To effectively and efficiently undertake and accomplish its
8 functions, the KWF (CFL) shall revise its structure and
9 staffing pattern, including the establishment of *Sentro sa*
10 *Salin* and *Sentro ng Wika at Kultura*, with the assistance of
11 the Department of Budget and Management.

12 **SECTION 5.** Section 5 is amended to read as follows:

13 Section 5. Composition of the Commission.

14 The Commission shall be composed of nine (9)
15 commissioners, one of whom shall serve as Chairman.

16 The commissioners shall include two (2) representatives of
17 the Congress (1) Senate Chairperson of Committee on
18 Education, Arts, and Culture; (2) House of Representatives
19 Chairperson of Committee on Basic Education and Culture;
20 and one (1) representative of the Executive Branch: the
21 Executive Secretary of the President, or his duly appointed
22 representative who shall be no less than undersecretary
23 level of the Office of the President or the Department of
24 Interior and Local Government.

25 The other commissioners shall represent Philippine
26 languages: (4) any of the languages of Luzon, (5) any of the
27 languages of Visayas, (6) any of the languages of Muslim
28 Filipinos, (7) the Northern Cultural Communities; (8) the
29 Southern Cultural Communities; and such other Philippine

1 languages as the Commission may decide upon; (9) Tagalog
2 as the base language of Filipino; provided, that at least four
3 (4) of these commissioners shall also represent various
4 disciplines.

5 The Chairman and two (2) of the commissioners,
6 representing Philippine languages, shall serve on a full-time
7 basis; the remaining four (4) shall serve on a part-time basis
8 and shall attend the regular and special meetings of the
9 Commission.

10 **SECTION 6.** Section 6 is amended to read as follows:

11 Section 6. Appointment and Qualifications of
12 Commissioners representing Philippine languages

13 The commissioners shall be appointed by the President from
14 the list of nominees to be submitted by the different
15 ethnolinguistic communities in the country. The President
16 shall appoint the six (6) commissioners, the Chairman and
17 the two full-time commissioners. The President shall
18 likewise appoint from the remaining three (3)
19 commissioners, two who shall serve for a term of five (5)
20 years and one (1) who shall serve for a term of three (3)
21 years. In the absence of the Chairman, the commissioners
22 shall choose a temporary or acting chairman from the two
23 (2) full-time commissioners.

24 No one shall be appointed as commissioner unless he/she is
25 a natural-born Filipino citizen, at least thirty (30) years old,
26 morally upright and noted for his/her expertise in
27 linguistics, the culture and language of the ethnolinguistic
28 communities and the discipline he/she represents.

1 **SECTION 7.** Section 7 is amended to read as follows:

2 Section 7. Term of Office.

3 For the term of office of the commissioners representing
4 Philippine languages, the Chairman and the two (2) full-time
5 commissioners shall serve for a term of seven (7) years, two
6 (2) of the commissioners shall serve for a term of five (5)
7 years and one (1) of the commissioners shall serve for a
8 term of three (3) years.

9 The commissioners representing Philippine languages may
10 be reappointed for a maximum of one (1) term by the
11 President.

12 The members of the Board shall serve and continue to hold
13 office until their successors shall have been appointed and
14 qualified. Should a member of the Board fail to complete
15 his/her term, his/her successor shall be appointed by the
16 President but only for the unexpired portion of the term.

17 **SECTION 8.** Section 10 is amended to read as follows:

18 Section 10. Rules of Procedures and Meetings

19 The Commission shall adopt its own rules and procedures
20 and shall hold sessions at least once a month or as often as
21 the Commission deems necessary. A majority of the nine (9)
22 commissioners shall constitute a quorum for the
23 transaction of business.

24 **SECTION 9.** Section 12 is amended to read as follows:

25 Section 12. Executive Director

1 There shall be an executive director who shall be appointed
2 by the Commission for a term of seven (7) years and who
3 may be reappointed for a maximum of one (1) term. Upon
4 appointment, an executive director sits as non-voting
5 member of the board. The Commission shall determine the
6 powers, functions, duties and compensation of the executive
7 director.

8 **SECTION 10.** Section 13 is amended to read as follows:

9 Section 13. The Secretariat

10 There shall be a secretariat to be headed by the executive
11 director. The functions, duties and compensation of its
12 personnel shall be determined by the Commission, upon the
13 recommendation of the executive director.

14 **SECTION 11.** Section 14 is amended to read as follows:

15 Section 14. Powers, Functions and Duties of the
16 Commission

17 The Commission, pursuant to the pertinent provisions of
18 the Constitution, shall have the following powers, functions
19 and duties:

20 (a) Formulate a national policy on Filipino as official
21 language of communication and medium of instruction and
22 a national policy on preserving and revitalizing endangered
23 languages;

24 (b) Formulate policies, plans, and programs to ensure the
25 further development, enrichment, propagation, and
26 preservation of Filipino and other Philippine languages;

1 (c) Promulgate rules, regulations and guidelines to
2 implement its policies, plans, and programs;

3 (d) Undertake or contract research and other studies to
4 promote the evolution, development, enrichment, and
5 eventual standardization of Filipino and other Philippine
6 languages. This will include the collation of works for
7 possible incorporation into a multi-lingual dictionary of
8 words, phrases, idioms, quotations, sayings and other
9 expressions, including words and phrases from other
10 languages now commonly used or included in the lingua
11 franca;

12 (e) Propose guidelines and standards for linguistic forms
13 and expressions in all official communications, publications,
14 textbooks, and other reading and teaching materials;

15 (f) Encourage and promote, through a system of incentives,
16 grants and awards, the writing and publication, in Filipino
17 and other Philippine languages, of original works, including
18 textbooks and reference materials in various disciplines;

19 (g) Create and maintain within the Commission a division of
20 translation which shall encourage through incentives,
21 undertake and vigorously support the translation into
22 Filipino and other Philippine languages of important
23 historical works and cultural traditions of ethnolinguistic
24 groups, laws, resolutions, and other legislative enactments,
25 executive issuances, government policy statements and
26 official documents, textbooks and reference materials in
27 various disciplines, and other foreign materials which it may
28 deem necessary for education and other purposes;

29 (h) Oblige any department, bureau, office, agency or any
30 instrumentality of Government or any private entity,
31 institution or organization to align their language policies
32 with the KWF (CFL) to guarantee a harmonized approach
33 towards implementation of this Act;

1 (i) Conduct at the national, regional and local levels, public
2 hearings, conferences, seminars, and other group
3 discussions to identify and help resolve problems and issues
4 involving the development, propagation and preservation of
5 Filipino and other Philippine languages;

6 (j) Formulate and adopt guidelines, standards, and systems
7 for monitoring and reporting on its performance at the
8 national, regional and local levels; and submit to the Office
9 of the President and to Congress an annual progress report
10 on the implementation of its policies, plans and programs;

11 (k) Appoint, subject to the provisions of existing laws, its
12 officials and employees and such other personnel as are
13 necessary for the effective performance of its functions,
14 duties and responsibilities; and dismiss them for cause;

15 (l) Organize and reorganize the structure of the Commission,
16 create *Sentro sa Salin* and *Sentro ng Wika at Kultura* as
17 linkages, create or abolish positions, or change the
18 designation of existing positions to meet the changing
19 conditions or as the need therefore arises; provided, that
20 such changes shall not affect the employment status of the
21 incumbents, reduce their ranks, decrease their salaries or
22 result in their separation from the service;

23 (m) Ensure that the Government shall take steps to initiate
24 and sustain the use of Filipino as medium of official
25 communication;

26 (n) Ensure that all educational institutions in all levels of
27 the education system, where applicable, shall maintain the
28 use of Filipino as language of instruction as a requirement
29 of accreditation from Department of Education, Commission
30 on Higher Education, and Technical Education and Skills
31 Development Authority.

32 (o) Comment on the implication on national language policy
33 of proposed national or local statutes, regulations or

1 procedures, issue advisory opinions and interpret the
2 provisions of this Act.

3 (p) Act as overall monitoring body and oversight to ensure
4 that all branches of Government allot 1% of their MOOE
5 budget, allotment level subject to revision of KWF (CFL),
6 COA, and DBM, to the implementation of this Act.

7 (q) Perform such other activities which are necessary for the
8 effective exercise of the abovementioned powers, functions,
9 duties and responsibilities.

10 **SECTION 12. *Repealing Clause.*** – Any law, presidential decree or
11 issuance, executive order, letter of instruction, rule or regulation
12 inconsistent with the provisions of this Act is hereby repealed or
13 modified accordingly.

14 **SECTION 13. *Effectivity Clause.*** – This Act shall take effect after
15 fifteen (15) days from the date of its publication in the Official
16 Gazette or a newspaper of general circulation.

Approved.