

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

7 JUL -2 P5...

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SENATE

S. B. No. 528

Introduced by **Senator Jinggoy Ejercito Estrada**

EXPLANATORY NOTE

The number of school facilities built has not met the yearly building requirements caused by increases in enrollment. As a result, the backlog of classroom has increased. This shortage in the number of public school buildings in our country has always been a perennial problem associated with the deteriorating quality of our education system.

The national classroom-student ratio for elementary and secondary public schools has reached a staggering 1:65, or one (1) classroom per 65 students, due largely to the free education program, which has not been met by a corresponding increase in the number of classrooms. With only Php2.5 Billion allocated for school buildings in the 2003 GAA, the backlog of school rooms will surely increase further. To attain the ideal classroom-student ratio in the next five (5) years, at least 100,000 new classrooms have to be constructed, excluding those that have to be rehabilitated.

The bill seeks to create a comprehensive program which will address the problem of classroom shortage. A salient feature of this bill is the provision of build-operate-transfer, build-lease-transfer, build-transfer, rehabilitate-operate-transfer, and other contractual arrangements that will allow the use of both government and private funds to finance the construction of needed school buildings, and the creation of an inter-agency committee to formulate and ensure the effective implementation of the program by the Department of Education (DepEd). The program also provide for the integration of all the necessary information for the effective monitoring and maintenance of existing school buildings.


It is hoped that with the passage of this bill, class sizes will be reduced to a manageable level for a more conducive learning environment, and thus result in the improvement in the quality of our education.

For the abovementioned reasons, approval of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT

ESTABLISHING A PROGRAM FOR THE CONSTRUCTION, MAINTENANCE, REHABILITATION, AND REPAIR OF SCHOOL BUILDINGS IN THE PUBLIC ELEMENTARY AND SECONDARY SCHOOLS NATIONWIDE, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. Title. - This Act shall be known as the **"School Building Program Act of 2007"**.

SEC. 2. School Building Program Objectives. - There shall be established a comprehensive and continuing School Building Program, hereinafter referred to as the "Program", which shall have the following objectives:

1. To provide a system for an accurate inventory of all existing public primary and secondary school buildings, with proper indications as to its location, size, capacity, condition, and compliance with basic building safety requirements;
2. To provide appropriate studies for determining the yearly school building requirements based on projected increases in enrollment and other appropriate indicators;
3. To provide for the effective monitoring and supervision of all school building facilities with respect to its proper and adequate maintenance, replacement, rehabilitation and repair;
4. To provide a comprehensive plan for the construction of school buildings and facilities for all public elementary and secondary schools nationwide, with the aim of reducing the classroom-students ratio to an ideal proportion within a period of five (5) years upon approval of this Act;
5. To provide the mechanism for the selection of public schools to prioritize in the school-building projects nationwide;
6. To provide a specific time schedule for the construction of school buildings which shall be strictly followed so as to prevent unnecessary delays and backlogs;

7. To provide for necessary mechanisms which will facilitate a closer coordination between the Department of Budget and Management (DBM), Department of Public Works and Highways (DPWH), Department of Interior and Local Government (DILG), and Department of Education (DepEd) to expedite the implementation of the Program;
8. To formulate guidelines for the bidding procedures that will be used for the school building program including that of the contractual arrangement schemes;
9. To provide for a definite work and financial schedule for the construction, operation and maintenance of school buildings under any of the contractual arrangement schemes.

SEC. 3. *Inter-Agency Committee.* - To formulate and ensure the effective implementation of the program, there is hereby created an inter-agency committee, to be headed by the Secretary of the Department of Education (DepEd) as Chairperson, and the respective Secretaries of the Department of Public Works and Highways (DPWH), Department of Budget and Management (DBM), and the Department of Interior and Local Government (DILG), as members. The committee shall within one (1) year from the approval of this Act, submit to the Committee on Education of both houses of Congress and every year thereafter, the comprehensive School Building Program herein established and the accomplishments under such Program.

SEC. 4. *Implementation of the Program.* - Consistent with the provisions of Republic Act No. 7880, otherwise known as the "*Fair and Equitable Access to Education Act*", the Committee shall determine and supervise the acquisition and/or construction of priority school building projects to be implemented by the DepEd as provided in the Program.

The DepEd is hereby authorized to enter into contracts with duly pre-qualified private contractors for the design and construction management, as well as the financing, construction, operation, maintenance of school buildings through the build operate and transfer, build and transfer, build-lease and transfer, rehabilitate-operate and transfer and other contractual arrangement schemes provided under R.A. No. 6957.

The pertinent provisions of Republic Act No. 9184, otherwise known as the "*Government Procurement Reform Act*", with respect to procurement as defined therein, shall remain in force.

SEC. 5. *Release of Maintenance and Other Operating Expenditures.* - For the purpose of ensuring compliance of such contractual arrangement as may hereinafter be entered, the appropriation of DepEd for the School Building Program and for Maintenance and Other Operating Expenditures (MOOE) shall be directly released to DepEd according to the work and financial schedule stipulated in the program.

SEC. 6. *Appropriation.* - The amount necessary to attain the objectives of this Act shall be appropriated out of the unallocated share of the national government in the income of the Philippine Amusement Gaming Corporation (PAGCOR), for a period of five (5) years.

If the above amount is inadequate and insufficient, such amount as may be necessary to augment said annual appropriations shall be included in the General Appropriations Act (GAA).

SEC. 7. *Separability Clause.* - If any provision in this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SEC. 8. Repealing Clause. - All laws, decrees, orders, rules and regulations and all other issuances or parts thereof, which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 9. Effectivity Clause. - This Act shall take effect after fifteen days from its publication in a newspaper of general circulation .

Approved,