

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

OFFICE OF THE SECRETARY

10 JUL -6 P1:29

SENATE

S. NO. 345

RECEIVED

Introduced by Senator Antonio "Sonny" F. Trillanes IV

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 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
2 2010".

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

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

13 "a. Open Learning System – A philosophy of learning that is highly flexible and learner-
14 centered, that is the conditions for learning are controlled by the learner, thus enabling him to
15 learn at the time, place and pace which satisfy his circumstances and requirements. It includes

1 Expanded Tertiary Education, Equivalency and Accreditation Program (ETEEAP), prior
2 learning, portfolio learning, non-traditional, or sorts of prior learning that could be submitted for
3 formal recognition.

4 “b. Distance Education – A System of delivering educational services to students who are
5 disadvantaged by limited time, distance, or physical disability, among others, through the use of
6 specially designed materials and methods and supported by organizational and administrative
7 structures and arrangements. It is characterized by the separation of learner and teacher, the
8 influence of an organization, the possibility of occasional meetings and face-to-face interactions,
9 the recourse to an industrialized form of education, and the use of technical media such as print,
10 radio, audio, video and computers.

11 “c. Open University – A university which makes use of the open learning system by
12 offering distance education programs at the tertiary level to students who cannot complete their
13 education using the traditional mode.

14

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

18

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

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

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

25

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

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

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

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

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

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

17

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

20 a. Media

21 1. Print – textbooks, study guides, workbooks, course syllabi, correspondence
22 feedback, and other print formats;

23 2. Audio-Visual – radio, audio cassette tapes, slides, film, videotapes, television,
24 telephone, fax, audio-conferencing, video-conferencing;

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

1 4. Face-to-face sessions.

2 b. Autonomous open learning/distance education institutions or independent open
3 learning/distance education departments of a conventional or traditional institute, college or
4 university;

5 c. Consortium model consisting of open learning/distance education departments of
6 different institutions.

7
8 **SEC. 8. Support to Distance Education Programs.-** Higher education institutions with
9 open learning programs shall be provided support based on the following criteria to be
10 determined by the CHED:

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

12 b. Relevant curricular programs;

13 c. Appropriate educational materials;

14 d. Suitable student support services and delivery system; and

15 e. Linkages with other appropriate institutions as study centers.

16
17 **SEC. 9. Support to Students.-** Any student enrolled under this Act shall be given access
18 to all privileges, opportunities and entitlements that a student similarly situated under the
19 traditional system may have access to, including but not necessarily limited to, availment of
20 scholarships, grants and loans from the government or government-administered funding
21 sources. Specifically, higher education institutions shall be tasked to perform the following
22 support services:

23 a. Maintain faculty-student dialogue in strategic sites and/or establish learning centers or
24 linkages with other HEIs to insure greater access to the clientele for admission, tutorial,
25 counseling, testing and evaluation activities;

26 b. Provide clear admission policies and procedures for applicants;

- 1 c. Provide for an efficient and reliable communication system and media support
2 including equipment and facilities;
- 3 d. Show evidence of regular monitoring of learners' progress; and
- 4 e. Provide liberty and learning resources for the students.

5

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

- 10 a. Promulgate the necessary rules and regulations for the effective implementation of
11 the System;
- 12 b. Propose approaches to improve the quality of distance education in the country and
13 formulate a quality control mechanism for distance education in the country and formulate a
14 quality control mechanism for distance education;
- 15 c. Monitor and evaluate existing open learning programs;
- 16 d. Review and approve proposals for new open learning programs from educational
17 institutions; and
- 18 e. Recommend to the Department of Budget and Management (DBM) the budget for
19 open learning programs of qualified higher education institutions based on the CHED monitoring
20 and evaluation results.

21

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

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

5
6 **SEC. 13. *Appropriations.***- The amount necessary to carry out the initial implementation
7 of this Act shall be charged to the appropriations of the Commission on Higher Education under
8 the current General Appropriation Act. Thereafter, the funds necessary for the continuous
9 implementation of this Act in the ensuing years shall be included in the annual appropriations of
10 CHED in the General Appropriations Act.

11
12 **SEC. 14. *Implementing Rules and Regulations.***- The Commission on higher Education
13 (CHED), in consultation with relevant stakeholders in higher education, is hereby mandated to
14 formulate the rules and regulations to implement this Act within a period of ninety (90) days
15 from the effectivity thereof.

16
17 **SEC. 15. *Separability Clause.***- If any provision of this Act or any part thereof be
18 declared unconstitutional or invalid, the other provisions, far as they are separable from the
19 invalid ones, shall remain in force and effect.

20
21 **SEC. 16. *Repealing Clause.***- All laws, decrees, orders, rules and regulations or parts
22 thereof specifically inconsistent with this Act are hereby repealed or modified accordingly.

23
24 **SEC. 17. *Effectivity.***- This Act shall take effect fifteen (15) days after its publication in
25 the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,