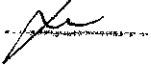


FOURTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
Second Regular Session }

8 AUG 27 2012

SENATE

P.S. Res. No. **592**

RECEIVED BY: 

INTRODUCED BY **SENATOR LACSON**

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON EDUCATION, ARTS AND CULTURE TO INQUIRE, IN AID OF LEGISLATION, INTO THE NEW RULE ON THE CANCELLATION OF REGISTRATION OF PUBLISHERS THAT PRODUCE POOR QUALITY TEXTBOOKS AND THE SUBSEQUENT ISSUANCE OF NBDB QUALITY SEAL ISSUED BY THE NATIONAL BOOK DEVELOPMENT BOARD (NBDB) WHICH IS ALLEGED TO BE UNLAWFUL AND UNCONSTITUTIONAL BY THE STAKEHOLDERS, WITH THE END IN VIEW OF REVIEWING WHETHER THE SAME CONFORM TO THE PROVISIONS OF R.A. NO. 8047, OTHERWISE KNOWN AS THE BOOK PUBLISHING INDUSTRY DEVELOPMENT ACT AND OTHER EXISTING LEGISLATIONS AND PROPOSING REMEDIAL LEGISLATION FOR THE PURPOSE

Whereas, Section 1, Article XIV of the 1987 Constitution provides that: "The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all." For this reason, Government gives the highest budgetary priority to education and allocates almost One Billion Pesos (Php 1,000,000,000.00) annually for the purchase of textbooks for public elementary and secondary schools;

Whereas, cognizant of this mandate, Congress passed in 1995 R.A. No. 8047, otherwise known as the Book Publishing Industry Development Act which provides, among others, the privatization of the book industry and the participation of private publishers in the public school textbook program;

Whereas, on December 20, 2004, the National Book Development Board (NBDB) has approved the "New Rule on the Cancellation of Registration of Publishers that Produce Poor Quality Textbooks" (New Rule) and that said rule was subsequently published in the January 3, 2005 issue of the Philippine Daily Inquirer;

Whereas, there are allegations from the stakeholders such as publishers, parents and students that the New Rule was promulgated without consultation in complete disregard of Section 8 (g) of R.A. No. 8047, which mandates consultation and that the issuance of the said New Rule is a usurpation of legislative functions as provided for in Sections 10 and 11 of R.A. No. 8047, Section 7 (E) of R.A. No. 9155, otherwise known as the "Governance of Basic Education Act of 2001" and Section 5.5 of the National Book Policy;

Whereas, the Sections alleged to have been violated provides that:

- The DECS (DepEd) shall consult with the Board in prescribing the guidelines, rules and regulations on preparing the minimum learning competencies, and/or prototypes and other specifications for books

required by public elementary and secondary schools (Section 10 of RA 8047);

- Guided by the minimum learning competencies for the elementary level, the desired learning competencies for the secondary level and other specifications prepared by the DECS (DepEd), publishers shall develop and submit to the DECS (DepEd) those syllabi and/or prototypes and manuscripts or books intended for use in the public schools for testing, evaluation, selection and approval and upon approval of the manuscripts or books, publishers shall produce and supply the textbooks as ordered by the DECS (DepEd) (Section 11 of RA 8047);

- Section 7 (E) of RA 9155 (Governance of Basic Education Act of 2001) approval by DECS (DepEd) connotes that evaluation of textbooks be done at the school or principal levels;

- Section 5.5 of the National Book Policy provides that school principals or equivalent officials are empowered to determine which textbooks should be purchased for their respective schools;

Whereas, from the foregoing, the DepEd at the principal or school level is mandated by law to observe procedural guidelines under Sections 10 and 11 of RA 8047 in relation to Section 7 (E) of RA 9155 and Section 5.5 of the National Book Policy with regard to the evaluation, approval and purchase of textbooks for the public schools;

Whereas, all these laws were designed to promote democratization and proliferation of more publications without bureaucratic intervention which serves as the breeding ground of corrupt practices in the past and even now;

Whereas, books being used in private schools as practiced here and in other countries are beyond the jurisdiction of DECS or DepEd because of their proprietary nature, as supported by the freedom of expression clause of the Constitution which prohibits prior restraint, free flow of information doctrine under the Florence Agreement to which our country is a signatory and where the only possible limitations are that the textbooks be not contrary to laws, morals, public policy and public order;

Whereas, following the same reasoning, the NBDB has no authority to grant quality seals, which it has been doing since 2007 to a published private schools' textbook after undergoing evaluation using certain criteria, exact fees and cancel the certificate of registration of a textbook publisher to be used by the private schools as it is tantamount to evaluation and restraint;

Whereas, there is an urgent need to address the problem considering that the private sector is an important partner of the government in developing the most number of quality books in private and public schools and that the publication of affordable, accessible and quality books requires the existence of a robust book publishing industry; Now therefore,

BE IT RESOLVED AS IT IS HEREBY RESOLVED by the Senate to direct the Committee on Education, Arts and Culture to inquire, in aid of legislation, into the "New Rule on the Cancellation of Registration of Publishers That Produce Poor Quality Textbooks and the Subsequent Issuance of Quality Seal" which is alleged to be unlawful and unconstitutional by the publishers, parents and students with the end in view of reviewing and finding whether the said new rule

conform to the provisions of Sections 10 and 11 of R.A. No. 8047 (otherwise known as the Book Publishing Industry Development Act), Section 7 (E) of R.A. No. 9155 (otherwise known as the Governance of Basic Education Act of 2001), and Section 5.5. of the National Book Policy with the view of harmonizing existing legislations by coming up with appropriate remedial legislation.

Adopted.


PANFILO M. LACSON
Senator