

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

SENATE  
OFFICE OF THE SECRETARY

10 JUL -8 A8:26

SENATE

Senate Bill No. 835

RECEIVED BY: \_\_\_\_\_

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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### EXPLANATORY NOTE

Lack of funds has been the perennial problem in our public education system. The government has not been able to provide enough resources to support the ever increasing student population in public schools.

As a result, the Department of Education has projected shortages in the public school system to reach 49,000 teachers; 24 million textbooks; 44,000 classrooms; and 4.8 million desks. The shortage in textbooks, classrooms, and desks taken altogether needs at least P20 billion to eradicate.

The present budgetary allocation of the Department of Education cannot address the deficiency in the public education system with almost 90 percent of its annual appropriation already earmarked for personal services leaving only 10 percent of its annual budget to address the shortage. Such is the reason why our public education system has continued to lag behind our ASEAN neighbors.

This bill seeks to eradicate the shortage in the public education system by providing for a one-time appropriation to address the deficiency. It seeks to create a center within the DepEd which will develop a program to eliminate the deficiency in classrooms, textbooks, and desks by using the most appropriate design and cost efficient method of building and acquiring the needed materials.

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

  
JINGGOY EJERCITO ESTRADA  
Senator

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AN ACT  
PROVIDING FOR A BASIC EDUCATION PROGRAM FOR REHABILITATION  
AND IMPROVEMENT, CREATING A BASIC EDUCATION REHABILITATION  
AND IMPROVEMENT FUND, APPROPRIATING FUNDS THEREFOR, AND  
FOR OTHER PURPOSES

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

**SECTION 1. Title.** - This Act shall be known as the "**Basic Education Rehabilitation and Improvement Act of 2010.**"

**SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State to uphold the primacy of education, accelerate social progress, and promote total human development. Accordingly, the State shall ensure a continuing level of educational rehabilitation and improvement through the provision of essential requirements necessary for quality education. Towards this end, the State shall endeavor to provide pupils and students in the public school system with educational facilities that are adequate, up-to date and that will meet the requirements for the education and training of a citizenry in a global and technologically enabled world.

**SEC. 3. Objective.** - The objectives of this Act are:

- a) To eliminate the shortages in basic education inputs of classrooms, textbooks, and desks in our public school system;
- b) To improve the delivery of educational instructions necessary for quality education; and
- c) To foster an environment in school which is conducive for teaching and learning;

**SEC. 4. Education Rehabilitation and Improvement Center.** - There is hereby created an Education Rehabilitation and Improvement Center (ERIC) in the Department of Education (DepEd) which shall be headed by a Director and a staff appointed from among the personnel of the Department of Education. The ERIC shall adopt a program to resolve the shortage of classrooms, desks, and textbooks in the public school system. The ERIC shall perform the following functions:

- a) Develop a program to eliminate the deficiency of classrooms, desks, and textbooks in the public education system;
- b) Cause the preparation of plans and specifications for various models of public school buildings taking into consideration the type of community, functionality, and costs without sacrificing strength and durability, and aesthetics.
- c) Determine the allocation and distribution of the funds appropriated and authorized to be appropriated under this Act among the different regional, division, district, and school levels in accordance with guidelines to be issued by the Secretary of Education.
- d) Act as administrator and trustee of the Education Rehabilitation and Improvement Fund as provided hereunder;

**SEC. 5. Education Rehabilitation and Improvement Fund.** - There is hereby created a trust fund, to be known as the Education Rehabilitation and Improvement Fund for which the sum of Twenty Five Billion Pesos (P25,000,000,000.00) shall be appropriated. The total amount allocated herein shall be used exclusively for the construction, rehabilitation and/or repair of school buildings/classrooms, the procurement of textbooks and desks pursuant to the program, as determined by the ERIC.

Provided, That the primary objective in the use of any allocation under this act shall be to eliminate classroom, textbook, and desk shortages in the public school system.

Provided, further, That all unexpended balance, after the completion of the work and / or procurement authorized for each fiscal year, shall at once revert to the National Treasury to the credit of the appropriation provided for under this act and shall not be withdrawn from it nor expended except for the purpose indicated herein. Such unexpended balance for any fiscal year shall be added to the appropriation for the next fiscal year and expended accordingly.

**SEC. 6. Bidding.** - Any provision of law to the contrary notwithstanding, funds allocated under the provisions of this Act shall be executed through public bidding in accordance with existing government rules and regulations. If there are no bidders or if the work and/or procurement can be executed at a reasonably lower rate than the most advantageous bid, such work and/or procurement shall be executed by the ERIC.

**SEC. 7. Appropriation.** - The amount needed to implement this program shall be included in the General Appropriations Act of the year.

**SEC. 8. Penal Clause.** - It shall be unlawful for any public officer or employee to allocate, distribute, or release the funds authorized under this Act in violation of Section Five hereof. Any public officer or employee violating any of the provisions of this Act shall be punished by imprisonment for not more than six (6) year and a fine of not more than one million pesos (P1,000,000.00) without prejudice to their liability under Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act.

**SEC. 9. Separability.** - If for any reason, any provision of this Act is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

**SEC. 10. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

*Approved,*