

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

OFFICE OF THE SECRETARY

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SENATE

S.B. 1129

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Introduced by Senator Manny Villar

EXPLANATORY NOTE

Education is not just a privilege, it is one of the fundamental rights of every citizen. Thus, Section 1, Article XIV of our Constitution imposes upon the State the responsibility to *"protect and promote the right of all citizens to quality education at all levels" and "take appropriate steps to make such education accessible to all"*.

Cognizant of the importance of education as a tool to a nation's progress, it is crucial that the State address the challenge to quality education as early as during the early formative years of the child.

To ensure that the fundamental right of a child to quality education is protected, this bill aims to promote compulsory education for children of compulsory school age, providing only for limited special circumstances for exemption, directing the local government units, particularly in the barangay level to be directly involved in the monitoring of the education of children under their areas of jurisdiction and the Department of Education to formulate the necessary curriculum for learning.

For this purpose it shall be the joint responsibility of the Department of Interior and Local Government and the Department of Education to ensure the establishment of schools and the necessary support services for the implementation of this measure.

Providing for quality education is one of the most important legacy the State and the local government can offer to the people. In ensuring the grant of good education to the children, the State does not only discharge its most important function, it is also making a crucial investment vital to economic growth. In educating the young, the State will be assured of an adequate and competent workforce ready and fully equipped to face the challenges of global competition.

In view of the foregoing, early passage of this bill is earnestly requested.


MANNY VILLAR

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**AN ACT
PROMOTING COMPULSORY EDUCATION FOR CHILDREN OF
COMPULSORY SCHOOL AGE**

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

SECTION 1. Title. -This Act shall be known as the "Compulsory Education for Children Act of 2010".

SEC. 2. Declaration of Policy. - It is the policy of the State to protect and promote the right of the citizens to quality education and to take appropriate steps to make such education accessible to all. Towards this end, the State shall :

- (a) Define the responsibilities of the government, the parents and carers of children in relation to education of the children;
- (b) Provide the necessary framework and resources for the implementation of educational programs, projects and services; encouraging local initiatives for the improvement of schools and community based learning facilities;
- (c) Promote compulsory education and provide only for limited special circumstances when children of compulsory school age would not be required to attend school;
- (d) Provide a system for the monitoring of children of compulsory school age and ensuring that they enjoy the benefit of having the opportunity to be educated;
- (e) Ensure that the schools and other facilities of learning are able to reflect the values of the community by allowing the teachers, learning facilitators and other staff to have flexibility in servicing the needs of the learners.

SEC. 3. Definition. - For purposes of this Act, the following terms shall mean:

- (a) **Compulsory school age** - a child who is at least 6 years old and up to the age of 12 years old.
- (b) **Home education** - in relation to a child, means education conducted by one or both of the child's parents from a home base.

- (c) **Habitual offender** - any person who violates any provision of this Act three or more times.
- (d) **Learner** - any individual who is of compulsory school age seeking basic literacy skills and functional life skills or support services for the improvement of the quality of his/her life.
- (e) **Learning facility** - is a physical space to house learning resources and facilities of a learning program for children. It is a venue for face-to-face learning activities and other learning opportunities for community development..
- (f) **Learning facilitator** - it is the key learning support person outside of the school, responsible for supervising/facilitating the learning process and activities of the learner.
- (g) **Local School Board** - it refers to the Local School Board established pursuant to Section 98, Republic Act 7160 or the Local Government Code.
- (h) **Parent or carer** - refers to a biological parent, an adoptive parent, a stepparent, or a foster parent of a child, including a legal guardian exercising parental responsibility for the child or any other person standing in loco parentis;

SEC. 4. Establishment of a School or Learning facility.- There shall as far as practicable be established in every barangay an elementary school under the supervision of Department of Education in coordination with the Local School Board or in the alternative an adequate learning facility for children of compulsory school age.

SEC. 5. Mandatory Monitoring of children of Compulsory School Age. - It shall be the duty of the officials in the barangay to monitor children of compulsory school age and ensure that they are afforded the opportunity to obtain basic literacy and functional skills.

For this purpose, the barangay council shall submit periodic report to the Local School Board on the number of children belonging to the compulsory school age and the status as to whether or not these children are able to attend school.

SEC. 6. Compulsory Attendance of Children - it shall be the responsibility of the parent or carer to enroll the child of compulsory school age in a school or a learning facility or apply and register the child for home education or secure an exemption if circumstances so warrant.

The penalty of a fine of One Thousand Pesos (Php 1,000.00) and attendance to a community seminar on the importance of education to be organized by the concerned city/municipal government, or non-governmental organization (NGO) shall be imposed on a parent or carer who fails to enroll a learner in school or a learning facility or apply and register the learner for home education, in the absence of an exemption.

The penalty of a fine of Ten Thousand Pesos (P10,000.00) and one month community service in a school or learning facility shall be imposed for the second offense.

The penalty of one (1) year imprisonment shall be imposed on habitual offenders.

SEC. 7. Special Circumstances for Exemption from Compulsory Attendance - The Local Chief Executive may upon recommendation of the Barangay

Council and favorably endorsed by the Local School Board, may, upon application by the parent or carer of the child issue a certificate exempting the child from attendance in a school or learning facility, if :

- (a) The learner is registered for home education.
- (b) It is in the learner's best interest, having regard to the care, health development, mental or emotional development or education of the learner, to exempt him/her from school or a learning facility.
- (c) It is necessary or desirable owing to the personal circumstance of the child's family provided that the parent or carer should allow the child to participate in basic literacy training skills to be organized by the barangay at least once a week for children of compulsory school age.

SEC. 8. Prohibition on Employment of Children of Compulsory School Age.

- It shall be unlawful for any person to employ or engage the services of a child of compulsory school age on a day and at a time, when the child is required to attend school/learning facility, a school activity or an approved educational course. The penalty of a fine of Ten Thousand Pesos (Php 10,000.00) for the first offense and imprisonment of not less than fifteen days but no more than thirty (30) days for repeat offenders, shall be imposed on any person found to violate this provision.

SEC. 9. Penalty for Public Officials. - Any public officer or employee who violates any provision of this act may be meted administrative disciplinary action, without prejudice to the filing of appropriate civil or criminal action.

SEC. 10. Implementing Rules and Regulations. - The Department of Education, in collaboration with the Department of Interior and Local Government, upon prior consultation with the Committees on Education of the Senate and the House of Representatives, shall issue the necessary rules and regulations for the effective implementation of this Act within a period of ninety (90) days after its approval.

SEC. 11. Funding - The amount necessary to implement the provisions of this Act shall be charged to the appropriations for the Department of Education under the current General Appropriations Act. Thereafter, such amount as maybe necessary for the continuous implementation of this Act shall be included in the Annual General Appropriations Act.

SEC. 12. Separability Clause. - If any provision of this Act is declared invalid or unconstitutional, the other provisions not so declared shall remain in force and effect.

SEC. 13. Repealing Clause. - All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 14. Effectivity. - This Act shall take effect immediately upon its approval.

Approved,