

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4990

Introduced by Representative **TYRONE D. AGABAS**

AN ACT
EXPANDING THE PURPOSES AND APPLICATION OF THE SPECIAL
EDUCATION FUND, AMENDING FOR THE PURPOSE SECTIONS
100 AND 272 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN
AS THE LOCAL GOVERNMENT CODE OF 1991

EXPLANATORY NOTE

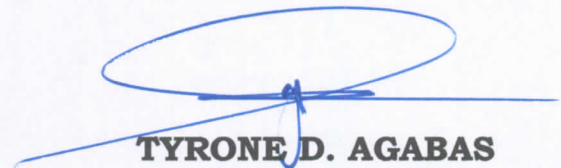
This bill seeks to expand the purpose and application of the special education fund amending for such purpose Sections 100 and 272 of Republic Act 7160, otherwise known as the Local Government Code of 1991.

In September 25, 1968, Republic Act 5447 was passed establishing the Special Education Fund to financially support the goals of education. For many years, public schools have always been burdened by the growing needs of its population not to mention the ever-continuing mandate to continuously evolve to correspondingly adapt to the challenges of modern times. In 1987, our Philippine Constitution was passed. However, Section 272 of the 1987 Constitution delimited the items of expenditures under which the Special Education Fund (SEF) can be made or utilized. This delimitation equally narrowed down the scope of assistance available to our public schools. Notably, public schools essentially rely their developmental programs on SEF assistance.

Accordingly, considering the continuing needs of our public schools, there is a need to expand the purpose and application of the SEF to meet the demands of our elementary and public schools.



Hence, this earnest request for the immediate passage of this bill.



TYRONE D. AGABAS
Representative
6th District, Pangasinan

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

1 **SECTION 1.** Section 100 of Republic Act No. 7160, otherwise known as
2 the "Local Government Code of 1991" is hereby amended to read as
3 follows:

4 "SEC. 100. *Meeting and Quorum; Budget.* – (a) The local school
5 board shall meet at least once a month or as often as may be
6 necessary

7 (b) Any of the co-chairmen may call a meeting. A majority of all
8 its members shall constitute a quorum. However, when both co-
9 chairman are present in a meeting, local chief executive concerned,
10 as a matter of protocol, shall be given preference to preside over the
11 meeting. The division superintendent, city superintendent or
12 district supervisor, as the case may be, shall prepare the budget of
13 the school board concerned. Such budget shall be supported by
14 programs, project, and activities of the school board for the ensuing

fiscal year. The affirmative vote of the majority of all the member shall be necessary to approve the budget.

(c) The annual school board budget shall give priority to the following:

(1) Construction, repair, and maintenance of school buildings, **ADMINISTRATION OFFICES, ASSEMBLY HALLS, LABORATORIES**, and other facilities **AND IMPROVEMENTS** of public elementary and secondary schools,

(2) **OPERATION AND MAINTENANCE OF PUBLIC ELEMENTARY AND SECONDARY SCHOOLS;**

(3) **PROVISION FOR SCHOOL UNIFORMS;**

(4) [(2)] Establishment and maintenance of extension classes where necessary; [and]

(5) [(3)] Sports activities at the division, district, municipal, and barangay levels, **AND**

(6) **FUNDING FOR THE EARLY CHILDHOOD CARE AND DEVELOPMENT PROGRAM.;**

SEC. 2. Section 272 of the Code is hereby amended to read as follows;

*“SEC. 272. Application of proceeds of the Additional One Percent SEF Tax. – The proceeds from the additional one percent (1%) tax on real property accruing to the Special Education Fund (SEF) shall be automatically released to the local school board: *Provided*, That, in case of provinces, the proceeds shall be divided equally between the provincial and municipal school boards: *Provided*, *however*, That the proceeds shall be allocated for the **FOLLOWING**: [operation and maintenance of public schools, construction and repair of school buildings, facilities, and equipment, educational research, purchase*

of books and periodical, and sports development as determined and approved by the Local School Board.”]

(1) CONTRUCTION, REPAIR, AND MAINTENANCE OF SCHOOL BUILDINGS, ADMINISTRATION OFFICES, ASSEMBLY HALLS, LABORATORIES, AND OTHER FACILITIES AND IMPROVEMENT OF PUBLIC ELEMENTARY AND SECONDARY SCHOOLS;

(2) OPERATION AND MAINTENANCE OF PUBLIC SCHOOLS INCLUDING PAYMENT OF COMPENSATION, SALARIES, WAGES, ALLOWANCES, AND OTHER BENEFITS OF TEACHING AND NON-TEACHING PERSONNEL: PROVIDED, THAT ALLOWANCES AND BENEFITS AUTHORIZED BY LAW FOR TEACHING AND NON-TEACHING PERSONNEL BUT NOT SUFFICIENTLY PROVIDED FOR BY THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF BUDGET AND MANAGEMENT MAY BE PAID FROM THE SEF SUBJECT TO AVAILABILITY OF FUNDS;

(3) ESTABLISHMENT AND MAINTENANCE OF EXTENSION CLASSES WHEN NECESSARY;

(4) ACQUISITION AND TITLING OF SCHOOL SITES;

(5) PURCHASE AND MAINTENANCE OF TRANSPORT VEHICLES, EQUIPMENT, AND APPARATUS EXCLUSIVELY FOR SCHOOL USE;

(6) ACQUISITION AND/OR SUBSCRIPTION OF BOOKS PERIODICALS, TEACHING AIDS, AND INSTRUCTIONAL MATERIALS;

- 68 (7) EDUCATIONAL RESEARCHES, TRAININGS, WORKSHOPS,
69 OR CONFERENCES UNDERTAKEN OR ATTENDED TO BY
70 TEACHERS AND STUDENTS;
- 71 (8) SPORTS DEVELOPMENT AS MAY BE DETERMINED AND
72 APPROVED BY THE LOCAL SCHOOL BOARD;
- 73 (9) PROVISION FOR SCHOOL UNIFORMS AS MAY BE
74 DETERMINED AND APPROVED BY THE LOCAL SCHOOL
75 BOARD;
- 76 (10) FUNDING FOR THE EARLY CHILDHOOD CARE AND
77 DEVELOPMENT PROGRAM; AND
- 78 (11) SUCH OTHER EXPENSES NECESSARY OR INCIDENT TO
79 THE OPERATION AND MAINTENANCE OF PUBLIC
80 SCHOOLS WHICH ARE NOT SUFFICIENTLY PROVIDED
81 FOR IN THE REGULAR APPROPRIATION OF THE
82 DEPARTMENT OF EDUCATION.

83 **SEC. 3.** If any provision of this Act is declared unconstitutional or
84 invalid, other sections or parts hereof not affected thereby shall remain in
85 full force and effects.

86 **SEC. 4.** All laws, decrees, executive orders, rules and regulations or other
87 issuances or parts thereof inconsistent with the provision of this Act are
88 hereby repealed or modified accordingly.

89 **SEC. 5.** This Act shall take effect fifteen [15] days after its publication in
90 the Official Gazette or in a newspaper of general circulation.

91 ***Approved,***