



Republic of the Philippines
House of Representatives
Quezon City



EIGHTEENTH CONGRESS

First Regular Session

House Bill No. 205

Introduced by Representative Jose Enrique S. Garcia III

EXPLANATORY NOTE


The Special Education Fund (SEF) was originally established under Republic Act (RA) 5447 to contribute to the financial support of the goals of education as provided by the Constitution. The SEF was later entrenched in R.A. 7160 as a source of fund for the supplementary budgetary needs for the operation and maintenance of public schools.

Like R.A. 5447, however, Section 272 of R.A. 7160 limited the use of the SEF only to a few expenditure items, to wit:

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 boards: *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 operation and maintenance of public schools, construction and repair of school buildings, facilities, and equipment, educational research, purchase of books and periodicals, and sports development as determined and approved by the Local School Board.

More than 50 years after it was established, the classes of expenses as well the priorities that need to be addressed by the country's public school system have expanded and the funding required have multiplied exponentially. The burden is exacerbated by the perennial inadequacy of national appropriation to cover the growing financial requirements of public elementary and secondary schools. Thus, expanding the expenditure items on which the proceeds of the SEF may be allocated could provide the much-needed relief.

Support for this bill is therefore earnestly sought from my colleagues.


REP. JOSE ENRIQUE S. GARCIA III
2nd District, Bataan



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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**

*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 the "Local
2 Government Code of 1991" is hereby amended to read as follows:

3
4 "SEC. 100. *Meetings and Quorum; Budget.* – (a) The local school board
5 shall meet at least once a month or as often as may be necessary.
6

7 (b) Any of the co-chairmen may call a meeting. A majority of all its
8 members shall constitute a quorum. However, when both co-chairmen are
9 present in a meeting, the local chief executive concerned, as a matter of
10 protocol, shall be given preference to preside over the meeting. The division
11 superintendent, city superintendent or district supervisor, as the case may be,
12 shall prepare the budget of the school board concerned. Such budget shall be
13 supported by programs, projects, and activities of the school board for the
14 ensuing fiscal year. The affirmative vote of the majority of all the members shall
15 be necessary to approve the budget.
16

17 (c) The annual school board budget shall give priority to the following:
18

19 (1) Construction, repair, and maintenance of school buildings,
20 **ADMINISTRATION OFFICES, ASSEMBLY HALLS, LABORATORIES,**
21 and other facilities **AND IMPROVEMENTS** of public elementary and
22 secondary schools;
23

24 (2) **OPERATION AND MAINTENANCE OF PUBLIC ELEMENTARY**
25 **AND SECONDARY SCHOOLS;**
26

27 (3) [(2)] Establishment and maintenance of extension classes where
28 necessary; [and]

1
2 (4) [(3)] Sports activities at the division, district, municipal, and
3 barangay levels; **AND**

4
5 (5) **FUNDING FOR THE EARLY CHILDHOOD CARE AND**
6 **DEVELOPMENT PROGRAM."**

7
8 **SEC. 2.** Section 272 of the same Code is hereby amended to read as follows:
9

10 "SEC. 272. *Application of Proceeds of the Additional One Percent SEF*
11 *Tax.* – The proceeds from the additional one percent (1%) tax on real property
12 accruing to the Special Education Fund (SEF) shall be automatically released
13 to the local school boards: *Provided, That,* in case of provinces, the proceeds
14 shall be divided equally between the provincial and municipal school boards:
15 *Provided, however,* That the proceeds shall be allocated for the **FOLLOWING:**
16 [operation and maintenance of public schools, construction and repair of school
17 buildings, facilities, and equipment, educational research, purchase of books
18 and periodicals, and sports development as determined and approved by the
19 Local School Board."]
20

21 (1) **CONSTRUCTION, REPAIR, AND MAINTENANCE OF**
22 **SCHOOL BUILDINGS, ADMINISTRATION OFFICES, ASSEMBLY**
23 **HALLS, LABORATORIES, AND OTHER FACILITIES AND**
24 **IMPROVEMENTS OF PUBLIC ELEMENTARY AND SECONDARY**
25 **SCHOOLS;**

26
27 (2) **OPERATION AND MAINTENANCE OF PUBLIC SCHOOLS**
28 **INCLUDING PAYMENT OF COMPENSATION, SALARIES, WAGES,**
29 **ALLOWANCES, AND OTHER BENEFITS OF TEACHING AND NON-**
30 **TEACHING PERSONNEL: PROVIDED, THAT ALLOWANCES AND**
31 **BENEFITS AUTHORIZED BY LAW FOR TEACHING AND NON-**
32 **TEACHING PERSONNEL BUT NOT SUFFICIENTLY PROVIDED FOR**
33 **BY THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF**
34 **BUDGET AND MANAGEMENT MAY BE PAID FROM THE SEF**
35 **SUBJECT TO AVAILABILITY OF FUNDS;**
36

37 (3) **ESTABLISHMENT AND MAINTENANCE OF EXTENSION**
38 **CLASSES WHERE NECESSARY;**

39
40 (4) **ACQUISITION AND TITLING OF SCHOOL SITES;**

41
42 (5) **PURCHASE AND MAINTENANCE OF TRANSPORT**
43 **VEHICLES, EQUIPMENT, AND APPARATUS EXCLUSIVELY FOR**
44 **SCHOOL USE;**

45
46 (6) **ACQUISITION AND/OR SUBSCRIPTION OF BOOKS,**
47 **PERIODICALS, TEACHING AIDS, AND INSTRUCTIONAL**
48 **MATERIALS;**

49
50 (7) **EDUCATIONAL RESEARCHES, TRAININGS, WORKSHOPS,**
51 **OR CONFERENCES UNDERTAKEN OR ATTENDED TO BY**
52 **TEACHERS AND STUDENTS;**

53
54 (8) **SPORTS DEVELOPMENT AS MAY BE DETERMINED AND**
55 **APPROVED BY THE LOCAL SCHOOL BOARD;**
56

1 (9) FUNDING FOR THE EARLY CHILDHOOD CARE AND
2 DEVELOPMENT PROGRAM; AND
3

4 (10) SUCH OTHER EXPENSES NECESSARY OR INCIDENT TO
5 THE OPERATION AND MAINTENANCE OF PUBLIC SCHOOLS
6 WHICH ARE NOT SUFFICIENTLY PROVIDED FOR IN THE REGULAR
7 APPROPRIATION OF THE DEPARTMENT OF EDUCATION.
8

9 **SEC. 3.** All laws, decrees, executive orders, rules and regulations or other issuances or
10 parts thereof inconsistent with the provisions of this Act are hereby repealed or modified
11 accordingly.
12

13 **SEC. 4.** This Act shall take effect fifteen (15) days after its publication in the Official
14 Gazette or in a newspaper of general circulation.
15

16 ***Approved.***