

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 10398



Introduced by **KABATAAN PARTY-LIST Representative Sarah Jane I. Elago**

AN ACT
PROVIDING FOR THE SAFE AND PHASED REOPENING OF SCHOOLS AND
APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

It is the declared policy of the State 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.

The COVID-19 public health emergency has worsened the pre-pandemic education situation in the Philippines. Schools have remained closed since the government declared a nationwide lockdown in March 2020. The abrupt shift to remote learning and teaching has magnified the income and digital divide among students, teachers, and all other stakeholders, thereby making quality education largely inaccessible amid the pandemic. The prolonged school closures and never-ending lockdowns have affected not just learning and teaching, it has also taken a toll on mental health and the total well-being. Not everyone has conducive learning, teaching, and working spaces at home. Children have suffered immensely from learning loss. Clearly, we are facing a major learning crisis as much as we are in a major health crisis.

Based on World Bank (September 2020) and Asian Development Bank (December 2020) reports, the estimated cost of school closure and learning loss due to the COVID-19 pandemic is about 16-point loss learning in terms of PISA scores, and up to \$10 trillion learning loss or 2.3% in lifetime learning of current students. In the Philippines, school closures cost up to 1.9 trillion or 10% reduction in real GDP based on 2019 figures.

UNICEF and UNESCO (September 2021) reported that the Philippines was one of the last two countries in the world with schools fully closed since the World Health Organization declared COVID-19 a pandemic in March 2020.

This bill seeks to provide the framework and funding for the safe and phased reopening of schools beginning from low-risk areas.

Students and stakeholders have long been pushing for “#LigtasNaBalikEskwela” safe, phased reopening of schools, limited face-to-face classes, “#10kStudentAid” education aid as well as “#WalangLwanan” inclusive mechanisms to leave no student behind.

This representation, along with Rise for Education Alliance, Student Aid Network, and various sectors of society, call on Congress to allocate sufficient budget to address these demands, and for Malacañang to certify this bill as urgent and other much-needed, long overdue ‘ayuda’ or relief measures.

While this representation continues to push for substantial public financing for strengthening our healthcare system, expanding our public health service capacities, ensuring expedient and transparent vaccination, mass testing, aggressive contact tracing, among other scientific and medical solutions—which must be at the helm of COVID-19 pandemic response—we in Kabataan believe that we must put forward and fund no less for the safe and phased school reopening.

This representation believes that the needed funding is not only necessary but well within our means if only the current administration is willing to forgo dubious allocations in the billions for confidential and intelligence funds and other lump sums which are very prone to misuse and abuse. The education of the present and the next generation deserves more attention and much better policy and funding support.

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



Rep. SARAH JANE I. ELAGO
Kabataan Party-List

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13 **AN ACT**
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15 **APPROPRIATING FUNDS THEREFOR**
16
17

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

20
21 **SECTION 1. Short Title.** – This act shall be known as the “Safe Schools
22 Reopening Bill.”
23

24 **SECTION 2. Declaration of Policy.** – It is the policy of the State to uphold the
25 right to education, ensure its quality and accessibility at all levels, and allocate public
26 funding and resources accordingly.
27

28 **SECTION 3. Definition of Terms.** – As used in this Act, the following terms shall
29 mean:
30

- 31 (a) "Schools" – refers to public educational institutions, from elementary schools,
32 high schools, and higher education institutions.
33 (b) "Private schools" – refers to private educational institutions not owned and
34 controlled by the government or its instrumentalities;
35 (c) "Teachers" – refers to all persons engaged in teaching at the elementary,
36 secondary levels, or higher levels of education, whether on full-time or part-
37 time basis, including industrial arts or vocational teachers and all other persons
38 performing supervisory and/or administrative functions in all schools in the
39 aforesaid levels and qualified to practice teaching;
40 (d) "Education personnel" – refers to those persons holding some academic
41 qualifications and performing academic functions directly supportive of
42 teaching, such as registrars, librarians, research assistants, research aides,

1 and similar staff and/or all other school personnel not falling under the definition
2 and coverage of “teachers” as defined in this Act;

- 3 (e) “Learners” – refer to all Filipino students who are either currently enrolled at the
4 time of the effectivity of this Act, or shall enroll at any time thereafter, at all
5 levels: *Provided*, That they pass the entrance examination and other admission
6 and retention requirements of these academic institutions;
- 7 (f) “Risk assessment” – refers to a methodology to determine the nature and
8 extent of risk by analyzing potential hazards and evaluating existing conditions
9 of vulnerability that together could potentially harm exposed people, property,
10 services, livelihood, and the environment on which they depend. Risk
11 assessments with associated risk mapping include: a review of the technical
12 characteristics of hazards such as their location, intensity, frequency and
13 probability; the analysis of exposure and vulnerability including the physical,
14 social, health, economic and environmental dimensions; and the evaluation of
15 the effectiveness of prevailing and alternative coping capacities in respect to
16 likely risk scenarios;
- 17 (g) “Low-risk areas” – refers to areas which have substantially low rates in these
18 respects: (i) the number of confirmed cases per 10,000 population, and (ii) the
19 average land area per confirmed case, as a measure of the ability to practice
20 social distancing; (iii) the number of isolation rooms per active case (defined as
21 total number of symptomatic cases less recoveries less deaths), and (iv) the
22 number of ventilators per active case, pursuant to local and global standards;
- 23 (h) “High-risk areas” – refers to areas which have substantially high rates in these
24 respects: (i) the number of confirmed cases per 10,000 population, and (ii) the
25 average land area per confirmed case, as a measure of the ability to practice
26 social distancing; (iii) the number of isolation rooms per active case (defined as
27 total number of symptomatic cases less recoveries less deaths), and (iv) the
28 number of ventilators per active case, pursuant to local and global standards;
- 29 (i) “Community-based, people-oriented, grassroots-level response” – refers to the
30 planning, execution, and assessment of pandemic-related response to
31 educational needs of the community, with active involvement of civil society
32 groups, individuals, and other interested parties;
- 33 (j) “Education stakeholders” – refers to those persons or groups of persons as
34 such or associated in institutions involved in organized teaching and learning
35 systems, which may include, but are not limited to, parents, students, school
36 personnel, and administrators;
- 37 (k) “Gradual reopening” – refers to the phasing of the physical resumption of
38 classes, starting from low-risk areas to high-risk areas; and
- 39 (l) “Well-ventilated” – means the conformity of a particular educational institution
40 with ventilation requirements imposed by national and international standards.

1 **SECTION 4. Implementation of the Program for Safe and Phased Reopening**
2 **of Schools.** – It is hereby mandated that a program to enable the safe and phased
3 reopening of schools be instituted immediately at all levels of education amid the COVID-
4 19 pandemic: *Provided*, that the safety of the educational institutions be based on the risk
5 assessment of their localities as per health and scientific standards: *Provided further*, that
6 the Commission on Higher Education (CHED), Department of Education (DepEd), State
7 Universities and Colleges (SUCs), Local University and Colleges (LUCs), Department of
8 Health (DOH), and the Local Government Units (LGUs) will immediately implement
9 policies in line with said health risk assessment.

10
11 **SECTION 5. Scope.** – This Act shall cover all public and private educational
12 institutions at primary, secondary, tertiary, and postgraduate levels.

13
14 **SECTION 6. General Framework towards the Safe Resumption of Physical**
15 **Classes.** – The National and Inter-Agency Task Force against COVID-19 shall be geared
16 to promote and support schools in the careful preparation and implementation of
17 prevention and mitigation strategies against the coronavirus.

18
19 In adherence to UNICEF and UNESCO recommendations, schools must be the
20 last to close and the first to open, even in high-risk areas with the necessary protocols
21 and programs for mitigation and response in place.

22
23 **SECTION 7. Specific Programs and Funding to Ensure the Safe and Phased**
24 **Reopening of Face-to-Face Classes.** – To enable the safe and phased reopening of
25 classes, the following programs shall, at minimum, be funded and implemented:

- 26
27 (a) *Testing Program for Learners and Education Personnel.* Testing of personnel
28 should be covered by PhilHealth; Commission on Higher Education and
29 Department of Education should have a standby fund to test at least 1% of
30 learners every 14 days.

31
32 Five hundred sixty-one million pesos (Php 561,000,000.00) is hereby
33 appropriated to the Commission on Higher Education, and Four billion three,
34 hundred thirty-nine million, and Five hundred thousand pesos (Php
35 4,339,500,000.00) is hereby appropriated to the Department of Education for
36 the conduct the regular COVID-19 testing of learners and education personnel
37 every 14 days.
38

1 (b) *Priority Education Health Facilities and Supplies.* Commission on Higher
2 Education and Department of Education shall have additional fund allocations
3 equivalent to P2.4 million per HEI and school campus.
4

5 Five billion and Seven hundred fifty million pesos (Php 5,750,000,000.00) is
6 hereby appropriated to the Commission on Higher Education, and One hundred
7 thirteen billion pesos (Php 113,000,000,000.00) is hereby appropriated to the
8 Department of Education, for adequate water supply, health and safety facilities
9 such as comfort rooms, handwashing facilities, and school clinics, well-
10 ventilated classrooms, posted reminders/markings for proper physical
11 distancing, free face masks and alcohol, and for other health facilities and
12 supplies needed for maintenance of the implementation of resumption of
13 physical classes.
14

15 (c) *Hiring of Human Resources for Health.* There must be an addition of at least
16 one (1) school nurse per HEI campus and per DepEd district.
17

18 Three hundred thirteen million, Five hundred Twenty Three million, and Three
19 hundred fifty pesos (Php 313,523,350.00) is hereby appropriated to the
20 Commission on Higher Education, and Nine hundred Forty million One hundred
21 thousand pesos (Php 940,100,000.00) is hereby appropriated to the
22 Department of Education, for the engagement of proper health personnel.
23

24 (d) *Internet Allowance for Teachers.* There must be an allocation of Php 1,500 for
25 a period of ten months to ensure internet connectivity of teachers at both basic
26 and higher levels of education for the continued distance learning amid gradual
27 reopening of schools.
28

29 Two billion and One hundred ninety million pesos (Php 2,190,000,000.00) is
30 hereby appropriated to the Commission on Higher Education, and Twelve
31 billion Five hundred thirty nine million, One hundred sixty pesos (Php
32 12,539,160,000.00) is hereby appropriated to the Department of Education, for
33 the provision of internet allowance of teachers.
34

35 (e) *Devices for Teachers.* There must be a subsidy of Php 25,000 for all teachers
36 without proper devices.
37

38 Seventeen billion, Three hundred thirty nine million, and Six hundred twenty
39 five thousand pesos (Php 17,339,625,000.00) is hereby appropriated to the

1 Department of Education and be made available for the procurement of laptops
2 for basic education teachers.

- 3
4 (f) *25% Overtime Premium for Teachers.* Teachers shall be compensated for their
5 overtime work as the current school calendar necessitates them to render 77
6 more working days than the mandated 220 school days in a school year. They
7 shall be given fair compensation for their hours of service especially with the
8 lack of actual break for teachers since the intended break was given to In-
9 Service-Trainings, SLAC or LAC sessions and other paperwork, and work-
10 from-home arrangements for teachers do not follow the eight-hour workday
11 rule.

12
13 Twenty billion, Eight hundred twenty one million, Six hundred twenty eight
14 thousand, Five hundred sixty five pesos (Php 20,821,628,565.00) is
15 appropriated to provide for the payment of 25% premium on the salaries of
16 basic education teachers to compensate for their rendered overtime work.

- 17
18 (g) *Hazard Pay for Education Personnel.* Teachers and non-teaching personnel
19 must be compensated for the risks they will be taking when they perform their
20 duties.

21
22 Three Hundred Fifty Million Pesos (Php 350,000,000.00) is appropriated as a
23 standby fund for Commission on Higher Education to provide hazard pay for
24 education personnel, while Two Billion Pesos (Php 2,000,000,000.00) is
25 allocated as a standby fund for Department of Education for the same program.

- 26
27 (h) *Medical Fund for Free Treatment.* There shall also be a standby fund for both
28 basic and higher education to ensure that the treatment of teaching and non-
29 teaching personnel in either public or private schools who contract COVID-19
30 in the course of teaching will be paid for by the government.

31
32 Two Billion, Three hundred and Fifty million Pesos (Php 2,350,000,000.00) is
33 hereby appropriated to the Department of Health for this particular standby
34 fund.

- 35
36 (i) *Overload Pay.* There must be proper compensation for the overloading of
37 teachers beyond their usual teaching load.

38
39 Two Billion Pesos (Php 2,000,000,000.00) is hereby appropriated to
40 Department of Education and Commission on Higher Education, allocated for

1 the immediate compensation of teachers at the basic education level with class
2 overloads.

- 3
4 (j) *Support for Private Educational Institutions.* Private schools shall hereby
5 receive a grant of One million and Two hundred Thousand pesos (Php
6 1,200,000.00) per institution for the provision of specific measures to ensure
7 the safe and phased reopening of face-to-face classes, subject to qualifications
8 and requirements that maybe imposed by either the Department of Education
9 or Commission on Higher Education.

10
11 Seventeen billion and Three hundred twenty-two million Pesos (Php
12 17,322,000,000.00) is hereby appropriated to Commission on Higher
13 Education and Department of Education for this purpose.

14
15 The sum of **One hundred Eighty-four Billion, Four hundred Ninety four**
16 **Million, Five hundred Thirty six Thousand, Nine hundred Fifteen Pesos (Php**
17 **184,494,536,915.00)** is hereby appropriated to the Development of Education,
18 Commission on Higher Education and the Department of Health for the
19 implementation of this Section in public educational institutions.

20
21 The sum of **Seventeen billion and Three hundred twenty-two million Pesos**
22 **(Php 17,322,000,000.00)** is hereby appropriated to Commission on Higher
23 Education and Department of Education to be dedicated to subsidy for private
24 educational institutions.

25
26 This section shall lose its operative force upon full utilization of the funds
27 appropriated therefor.

28
29 **SECTION 8. Guidelines for Resumption of Schools.** – All local government
30 units and concerned government agencies, together with the education stakeholders,
31 shall form a roadmap based on the actual needs and conditions in their respective
32 localities, and shall be guided by the following:

- 33
34 (a) There shall be immediate planning for the mechanics of the phasing of the
35 resumption of the schools, with priority on the resumption of physical classes
36 in low-risk areas, while undertaking plans to reduce the risk in high-risk areas;
37 (b) The LGU's and education stakeholders shall be involved in the conduct of
38 thorough and scientific risk assessments. A community-based, people-
39 oriented, grassroots-level response to the pandemic shall be in place. Students

- 1 shall also be included and involved in all levels of education-related pandemic
2 response and recovery steps;
- 3 (c) Physical use of school facilities such as libraries, laboratories, computers, etc.
4 shall be mandatory as part of the initial phase of gradual reopening of schools,
5 subject to certain health regulations;
- 6 (d) The scope of allowed courses, degree programs and forms of physical learning,
7 as recommended by schools upon consultation with education stakeholders,
8 shall be expanded. Extracurricular activities may be allowed, provided that
9 these abide with minimum health standards and other reasonable guidelines
10 that schools and other education stakeholders may agree upon;
- 11 (e) Beginning in low-risk areas, schools must be provided with adequate water
12 supply, health and safety facilities such as comfort rooms, handwashing
13 facilities, and school clinics, well-ventilated classrooms, posted
14 reminders/markings for proper physical distancing, school nurse, free face
15 masks and alcohol, proper training for all personnel on sanitation procedures,
16 contingency plan for suspect, probable and confirmed Covid-19 cases, among
17 others;
- 18 (f) For schools in high-risk areas, the respective schools and LGU's shall ramp up
19 programs on free and efficient testing, contact tracing and treatment, and free,
20 safe, and accessible vaccination. Schools and LGU's shall exhaust all possible
21 mechanisms to provide venues that allow physical learning among students
22 and teachers;
- 23 (g) With the phased and voluntary return of stakeholders in schools, continued
24 support for distance learning programs, such as free gadgets and stable
25 internet connectivity to students and teachers, remains urgent and necessary,
26 for those who opt not to avail of the physical resumption of classes; and
- 27 (h) The emphasis will be on the quality of learning rather than the imposition of
28 heavy academic requirements and grading system. Academic easing shall also
29 be implemented as the need arises and upon deliberation by the educational
30 institutions' administration and their respective student government.

31
32 **SECTION 9. Protection of Democratic Rights and Welfare of the Education**

33 **Sector.** – Upon effectivity of this Act, the democratic rights and welfare of students,
34 teachers and staff shall be guaranteed through various democratic and inclusive means
35 and spaces, such as, but not limited to:

- 36
37 (a) At the school and community level, ensure genuine participation of students,
38 parents, teaching and non-teaching personnel and the representatives of
39 immediate communities in committee meetings and planning;

- 1 (b) Guarantee financial autonomy and independent operations of student
2 councils/governments, publications and organizations;
3 (c) Support the needs for physical, mental, and emotional health;
4 (d) Provide adequate, accessible psychosocial services and counseling;
5 (e) Activating mechanisms against sexual harassment and in-campus violence;
6 among others; and
7 (f) Uphold academic freedom, institutional autonomy, and schools as zones of
8 peace by prohibiting the police, military, and other law enforcement forces and
9 agents from entering schools and conducting red-tagging fora that endanger
10 the safety and security of education stakeholders: *Provided*, that prior
11 notification shall be given by the Philippine National Police (PNP), Armed
12 Forces of the Philippines (AFP), or any other law enforcement agency intending
13 to conduct any police, military, or law, enforcement operations in any
14 educational institution concerned, or respective officers-in-charge in the event
15 of their absence, as the case may be, and to the student regent, university
16 student council or government, faculty regent or representative, and staff
17 regent or non-academic personnel representative, when the situation so
18 warrants.
19

20 **SECTION 10. Prohibited Acts.** – Upon effectivity of this Act, it shall be unlawful
21 for any person and/or any learning institution to:
22

- 23 (a) Impose additional rates on the tuition and/or other school fees being charged
24 to its students under a State of Calamity and/or Public Health Emergency;
25 (b) Unlawfully appropriate said funding for purposes other than those specified in
26 this Act: *Provided*, That the criminal offense arising from the violation of this
27 Section does not preclude the criminal offenses that may be charged under the
28 Revised Penal Code and other special laws;
29 (c) Allow entry in schools and the conduct of fora of police, military, and other law
30 enforcement forces and agents, who endanger the safety and security of
31 education stakeholders based on national and international laws and
32 agreements, and violate Section 9(f) of this Act.
33

34 **SECTION 11. Penalties.** – A violation as enumerated under Section 8 of this Act
35 shall be meted a penalty of imprisonment of not less than six (6) months but not more
36 than one (1) year or a fine of not less than Twenty thousand pesos (Php 20,000.00) but
37 not more than One hundred thousand pesos (Php 100,000.00), or both, at the discretion
38 of the court. In case of a university, college or any other judicial entity, the penalty shall
39 be imposed on the president, treasurer or the officer or person responsible for the
40 violation.

1
2 **SECTION 12. Sources of Funding.**
3

4 (a) For the implementation of Section 6 of this Act, funded shall be sourced from
5 the following:
6

7 (i) 2021 General Appropriations Act (GAA): *Provided*, That funds for the
8 herein authorized programs, activities and projects (P/A/Ps) shall be
9 sourced primarily from the unprogrammed funds and savings
10 realized from modified, realigned, or reprogrammed allocations for
11 operational expense of any government agency or instrumentality
12 under the Executive Department, including, but not limited to,
13 traveling expenses, supplies and materials, expenses, professional
14 services, infrastructure projects, general services, advertising
15 expenses, printing and publication expenses, and other maintenance
16 and operating expenses in the 2022 GAA: *Provided*, That such
17 discontinued P/A/Ps do not support the objectives of economic
18 stimulus and recovery for having low labor intensity or low multiplier
19 effects: *Provided, further*, That infrastructure, having the highest
20 multiplier effect can only be discontinued when all other funds,
21 including unobligated allotments and unreleased appropriations,
22 have been exhausted.
23

24 (ii) Savings pooled pursuant to Republic Act No. 11469, otherwise
25 known as the "*Bayanihan* to Heal as One Act" and Republic Act No.
26 11494, otherwise known as "*Bayanihan* to Recover as One Act";
27

28 (iii) Excess revenue collections in any one of the identified tax or non-tax
29 revenue sources from its corresponding revenue collection target, as
30 provided in the FY 2021 Budget of Expenditures and Sources of
31 Financing (BESF);
32

33 (iv) New revenue collections or those arising from new tax or non-tax
34 sources which are not part of nor included in the original sources
35 included in the FY 2021 BESF;
36

37 (v) Any unutilized or unreleased balance in special purpose funds
38 (SPFs) shall be considered to have their purpose abandoned as
39 declared by the President. All such unspent, unutilized, or
40 unreleased money or funds sourced from SPFs shall be utilized and

1 are hereby appropriated for such measures to accomplish the
2 declared national policy herein;

3
4 (vi) Cash, funds, and investments held by any GOCC or any National
5 Government Agency: Notwithstanding any law to the contrary, the
6 President is hereby authorized to allocate cash, funds, investments,
7 including unutilized or unreleased subsidies and transfers, held by
8 any GOCC or any National Government Agency; and

9
10 (vii) Unused appropriation for debt servicing: Notwithstanding any law to
11 the contrary, the President may direct the discontinuance of
12 unutilized automatic appropriations for debt service and available
13 appropriation for redemption of maturing government securities and
14 use the savings generated therefrom to augment the allocation for
15 any item necessary for the purposes identified in this Act. All
16 amounts so reprogrammed, reallocated, or realigned shall be
17 deemed automatically appropriate for the said purposes: *Provided,*
18 That for interest payments, the savings will be generated from the
19 unused appropriations after actual payment of interest per month as
20 reported by the Bureau of Treasury to the DBM: *Provided further,*
21 That for principal repayment the savings will be generated from the
22 funds freed up as a result of a debt exchange by the Bureau of
23 Treasury.

24
25 (b) For succeeding implementation of this Act, the amounts necessary to carry out
26 the provisions of this Act shall be included in the annual General Appropriations
27 Act (GAA) and shall be appropriated under SUCs, Commission on Higher
28 Education, Department of Education and Technical Skills Development
29 Authority, and PhilHealth in accordance with the provisions of this Act.

30
31 **SECTION 13. *Implementing Rules and Regulations.*** – Upon enactment of this
32 Act, a task force shall be created in charge of the promulgation of the Implementing Rules
33 and Regulations (IRR) needed for the implementation of the relevant provisions of this
34 Act. This task force shall be led by representatives of the Department of Education and
35 Commission on Higher Education, and composed of following members: (1) National
36 Youth Commission; (2) a representative from the Philippine Association of State
37 Universities and Colleges; (3) a representative from the Coordinating Council of Private
38 Educational Associations; (4) a representative from the Association of Local Colleges and
39 Universities; (5) representatives from the Student Regents' Federation and student
40 councils; and (6) representatives from the National Youth and Student Organizations and

1 Formations: *Provided*, That the committee shall finish and promulgate the IRR within thirty
2 (30) days after the effectivity of this Act.

3
4 **SECTION 14. Reporting to Congress.** – The implementing agencies shall submit,
5 in either printed form or by way of electronic document, to the Joint Congressional
6 Oversight Committee, the House Committee on Appropriations, the Senate Committee
7 on Finance and the Commission on Audit, the monthly reports regarding the
8 implementation of this Act. The quarterly reports shall likewise be uploaded on the official
9 website of the respective implementing agencies.

10
11 **SECTION 15. Separability clause.** – If, for any reason or reasons, any part or
12 provision of this Act shall be declared as unconstitutional or invalid, the other parts or
13 provisions hereof which are not affected thereby shall continue to be in full force and
14 effect.

15
16 **SECTION 16. Repealing clause.** – All provisions of existing laws, orders, rules
17 and regulations or parts thereof which are in conflict or inconsistent with the provisions of
18 this Act are hereby repealed, amended or modified accordingly.

19
20 **SECTION 17. Effectivity clause.** – This Act shall take effect immediately upon its
21 publication in the Official Gazette or in at least two (2) newspapers of general circulation
22 in the Philippines.