

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE RESOLUTION NO. 40



Introduced by Rep. Rodante D. Marcoleta and Rep. Caroline L. Tanchay

A RESOLUTION

DIRECTING THE APPROPRIATE COMMITTEE OF THE HOUSE OF REPRESENTATIVES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE VIRTUAL BAN OF PRIVATE PUBLISHERS IN THE PROCUREMENT OF SUPPLEMENTARY READING, REFERENCE, AND OTHER INSTRUCTIONAL MATERIALS (IMs) FOR PUBLIC SCHOOLS, IN VIOLATION OF EXISTING LAWS AND REGULATIONS

WHEREAS, it is a declared policy of the State to promote the continuing development of the book publishing industry with the active participation of the private sector to ensure an adequate supply of affordable, quality-produced books not only for the domestic but also for the export market.^[1]

WHEREAS, the rules and regulations implementing R.A. No. 8047^[2] mandate that "the government shall formulate, adopt, and implement a National Book Policy and a corresponding National Book Development Plan that will serve as the enduring basis for fostering the progressive growth and viability of the book industry."

WHEREAS, Section 10, last paragraph, of R.A. No. 8047 and Rule VII, Section 4 of its implementing rules, mandate that "within a period of not more than three (3) years from the effectivity of (the) Act", the DECS (now DepEd) shall "phase out its elementary and secondary textbook publication and distribution functions and shall support the phasing in of private sector publishers to assume these functions" even as it mandated the (NBDB) Board "to monitor and conduct an annual evaluation of the progress of the shift of functions from the DECS to the private sector"—a provision that was directly circumvented when teachers were detached from their classrooms to write books via DepEd Order No. 52, s. 2015 as it reorganized DepEd today to include in the functions of its Divisions the development of books and other materials;

WHEREAS, Rule VII, Section 3, of the same implementing rules provides that "consistent with regional/ provincial publishing and indigenous authorship, the DECS (now DepEd) shall **decentralize** its textbook evaluation, selection, and approval system to the public school level in a carefully planned and orderly manner" and "acceptance of manuscripts from the private sector for evaluation shall be done on a regular and continuing basis" and that "NBDB shall ensure that the policy of multiple adoption of textbooks and other instructional materials be implemented to encourage the free flow of information and **deregulation** of book publishing."

^[1] Sec. 2, par. 2, Declaration of Policy, R.A. 8047.

^[2] Rule I, Section 2, par. (b).

WHEREAS, Rule VII, Section 1, pars. (c) and (e) of the implementing rules of R.A. 8047 mandate the NBDB “to monitor and conduct an annual evaluation of the progress of the shift of functions related to the privatization of the DepEd textbook provision program” and to “monitor and ensure the equitable distribution and efficient delivery of books to the public schools by the private publishers/booksellers.”

WHEREAS, R.A. No. 8047 was directly violated by the “Moratorium on the Procurement of Supplementary Reading, Reference and other Instructional Materials” under DepEd Order No. 44, s. 2013 and although rescinded by DepEd Order No. 53, s. 2016 in partly lifting the said moratorium for six (6) months until December 31, 2016, it selectively limited procurement to about 765 book titles in its Annexes “A” and “B” out of over 2,000 titles that included a number of foreign books contained in DepEd Orders No. 112, s. 2009 and No. 48, s. 2011;

WHEREAS, the moratorium implemented by DepEd Order No. 44 only aimed to review the policies and guidelines on procurement of instructional materials but, in reality, the said moratorium affected all school projects and programs, i.e., revoked DepEd orders and issuances that listed previously approved instructional materials and prohibited the use of available funds from almost all sources for the purchase of instructional materials;

WHEREAS, the six-month moratorium lifting mandated by DepEd Order No. 53 from June 30, 2016 until December 31, 2016 did not provide any relief on private sector publishers as the said moratorium left most of them bankrupt or struggling with huge and uncovered inventory of books—leaving an industry headed to a bleak and uncertain future;

WHEREAS, on May 4, 2018, after the long wait suffered by private publishers, the Bureau of Learning Resources (BLR) accepted thousands of entries for evaluation and approval of supplementary learning resources (SLR), specifically for library use as indicated in the SLR Call, formerly referred to as Supplementary Reading, Reference, and other Instructional Materials in general;

WHEREAS, the October 2018 deadline set by the BLR to complete the “big task” was over: from the submission of entries to stage 1 evaluation (weeding out of unqualified entries); stage 2 (evaluation of the entries); stage 3 (informing publishers of titles that passed all stages of evaluation) until price acceptance of both DepEd and the publishers, but the most important part—the consolidation of “Approved Titles” with the corresponding guidelines on their procurement and dissemination—has not been announced to this day;

WHEREAS, DepEd officials have openly and repeatedly advocated the repeal of R.A. No. 8047 claiming that the said law deters DepEd in achieving its work target and, it is now quite obvious that they have succeeded in doing so by “legalizing” the so-called Volume 5 of the “Manual of Procedures” on the procurement of manuscripts for textbooks and teachers’ manuals and by making it appear that said Manual was based on the IRR-A of RA No. 9184;

WHEREAS, the “Manual of Procedures” has institutionalized the phrases “bidding the manuscripts” or “procurement of manuscripts for textbooks and teacher’s manuals” to the extent that DepEd had caused the inclusion in its budget of an ultra vires provision in the 2018 GAA that is totally different from the past Special Provisions set out in its budget in 2017 and prior years, to wit:

“Provision of Learning Resources. The amount appropriated herein for learning resources such as textbooks and other

instructional materials, learning tools and equipment, and information and communication technology (ICT) packages shall be released to the DepEd Central Office. The purchase of textbooks and other instructional materials shall be prescribed by the DepEd pursuant to R.A. No. 8047 or The Book Publishing Industry Development Act. However, in case of two (2) failures in **bidding the manuscripts**, as provided in R.A. No. 9184 and DepEd Customized Manual on Procurement for the **procurement of manuscripts for textbooks and teacher's manuals**, and failure in the alternative mode of procurement, DepEd may resort to developing learning materials.” (Sp. Provision, Item 13, p. 189 of the Official Gazette, GAA, FY 2018.

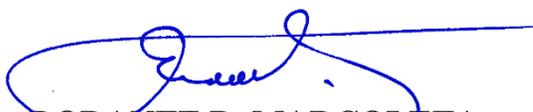
WHEREAS, Section 11 of R.A. 8047 clearly provides that “publishers shall develop and submit to the DECS (now DepEd) those syllabi and/or prototypes and **manuscripts** for use in the public schools for **testing, evaluation, selection, and approval**”—and not to be bid out or be subject to procurement, considering that it will be impossible to have a common basis for bidding raw manuscripts that are not yet evaluated and only those who pass the complicated pre-qualification standards can submit manuscript entries—a process that does not ensure the best in quality would win as several biddings fail due to lack of bidders;

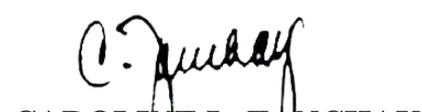
WHEREAS, the foregoing premises prove that DepEd, with the consent of NBDB, deliberately devised schemes to virtually eliminate the participation of private sector publishers from the implementation of R.A. No. 8047 through the issuance of DepEd Order No. 44 in the guise of reviewing the policies and guidelines in the procurement of supplementary reading, reference and other instructional materials and thereafter in willfully violating existing laws by prescribing draconian procedures of procurement calculated to wipe out small but legitimate private sector publishers and favor the select few, in contravention of the declared policy of the State, and

WHEREFORE, IT IS RESOLVED, AS IT IS HEREBY RESOLVED, to conduct an inquiry, in aid of legislation and in relation to the oversight functions of Congress, on why the declared policy of the state of fostering a progressive and viable book industry appeared to have been deliberately and systematically circumvented by DepEd and NBDB, particularly in regard to the mandated role and participation of private sector publishers;

RESOLVED FINALLY, for DepEd to explain why it worked for the allocation of a budget for the Instructional Material Council Secretariat (IMCS) as evidenced by the Special Provisions of the GAAs from 1995 to 2015 despite the fact that the Instructional Material Council (IMC) was abolished in 1995 after the enactment of R.A. 8047.

ADOPTED.


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