Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4990

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Introduced by Representative TYRONE D. AGABAS

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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

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

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

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

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

(b) Any of the co-chairmen may call a meeting. A majority of all its members shall constitute a quorum. However, when both co-chairman are present in a meeting, local chief executive concerned, as a matter of protocol, shall be given preference to preside over the meeting. The division superintendent, city superintendent or district supervisor, as the case may be, shall prepare the budget of the school board concerned. Such budget shall be supported by 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) CONSTRUCTION, 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;
(7) EDUCATIONAL RESEARCHES, TRAININGS, WORKSHOPS, OR CONFERENCES UNDERTAKEN OR ATTENDED TO BY TEACHERS AND STUDENTS;

(8) SPORTS DEVELOPMENT AS MAY BE DETERMINED AND APPROVED BY THE LOCAL SCHOOL BOARD;

(9) PROVISION FOR SCHOOL UNIFORMS AS MAY BE DETERMINED AND APPROVED BY THE LOCAL SCHOOL BOARD;

(10) FUNDING FOR THE EARLY CHILDHOOD CARE AND DEVELOPMENT PROGRAM; AND

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

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

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rules and regulations or other issuances or parts thereof inconsistent with the provision of this Act are hereby repealed or modified accordingly.

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

Approved,