Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7441

Introduced by Rep. ANGELO MARCOS BARBA
2nd District, Ilocos Norte

AN ACT EXPANDING THE APPLICATION OF THE SPECIAL EDUCATION FUND (SEF), AMENDING FOR THE PURPOSE SECTIONS 100, 235 AND 272 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

EXPLANATORY NOTE

The Special Education Fund (SEF) was initially created by virtue of Republic Act No. 5447. It was envisioned to fund projects that would further improve the programs of the government for the education sector. Like its predecessor, Republic Act No. 7160 or the Local Government Code of 1991 limited the application of the SEF to 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.

The specificity of the provision, however, restricts the application of the SEF, thereby leaving other programs or projects that promote the accessibility of public education unfunded. Another special fund gone to waste.

Hence, this bill.

This bill seeks to expand the application and/or use of the SEF by including the payment of salaries, allowances, and other benefits of teaching and non-teaching personnel, competency trainings for teaching personnel, provision of teaching aids and other instructional materials, construction and repair of school libraries, administration offices, laboratories, and all other expenditures relative to the promotion of accessible public education.

The Local Government Code empowered local government units in Metropolitan Manila to levy and collect an annual tax of one percent (1%) on the assessed value of a real property as an additional levy to the basic real property tax or the special education fund. Unfortunately, those outside Metropolitan Manila were not given the same privilege.

This proposed measure likewise seeks to grant municipalities outside Metropolitan Manila the power to levy and collect an annual tax of one-half
percent on the assessed value of the real property within the concerned municipality. This would provide municipalities outside Metropolitan Manila an additional source of funds to address public school concerns, such as classroom shortages, dilapidated school buildings and facilities, and payment of salaries, allowances and benefits of teaching and non-teaching personnel.

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

ANGELO MARCOS BARBA
AN ACT EXPANDING THE APPLICATION OF THE SPECIAL EDUCATION FUND (SEF), AMENDING FOR THE PURPOSE SECTIONS 100, 235 AND 272 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

Be it enacted by the Senate and the 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:

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

(b) Any of the CO-CHAIRPERSONS may call a meeting. A majority of all its members shall constitute a quorum. However, when both co-chairpersons are present in the meeting, the local chief executive concerned, as a matter of protocol, shall be given preference to preside over the meeting. The division 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, projects, and activities of the school board for the ensuing fiscal year. The affirmative vote of all members shall be necessary to approve the budget.

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

i. Construction, repair, maintenance, AND IMPROVEMENT of school buildings, LIBRARIES, ADMINISTRATION OFFICES, ASSEMBLY HALLS, LABORATORIES, and other facilities of ALL public elementary and secondary schools;

ii. Establishment and maintenance of extension of classes where necessary;

iii. OPERATION AND MAINTENANCE OF PUBLIC ELEMENTARY AND SECONDARY SCHOOLS, SUCH AS
THE CREATION OF TEACHER ITEMS IN CASE OF EXTENSION OF CLASSES OR WHEN NECESSARY, PROVISION OF TEACHING AIDS AND OTHER INSTRUCTIONAL MATERIALS, AND PAYMENT OF SALARIES, ALLOWANCES AND OTHER BENEFITS OF TEACHING AND NON-TEACHING PERSONNEL and

iv. Sports activities at the division, district, municipal, and barangay levels."

SECTION 2. Section 235 of the same Code is hereby amended to read as follows:

"Section 235. – Additional Levy on Real Property for the Special Education Fund. – A special education fund (SEF) is hereby created for every local government unit mentioned hereunder to be funded from the additional levy on real property prescribed under this section.

A province, city, or municipality within the Metropolitan Manila Area, may levy and collect an annual tax of one percent (1%) on the assessed value of real property IN THEIR RESPECTIVE TERRITORIAL JURISDICTION which shall be in addition to the basic real property tax PROVIDED UNDER THIS CODE.

EVERY MUNICIPALITY OUTSIDE THE METROPOLITAN MANILA AREA MAY LIKewise LEVY AND COLLECT AN ANNUAL TAX OF ONE-HALF PERCENT (1/2%) ON THE ASSESSED VALUE OF THE PROPERTY WITHIN SAID MUNICIPALITY. The proceeds thereof shall exclusively accrue to the SEF OF THE LOCAL GOVERNMENT UNIT CONCERNED."

SECTION 3. Section 272 of Republic Act No. 7160 is hereby amended to read as follows:

"Section 272. Application of Proceeds of the Additional One Percent SEC 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 ELEMENTARY AND SECONDARY SCHOOLS, SUCH AS THE CREATION OF TEACHER ITEMS IN CASE OF EXTENSION OF CLASSES OR WHEN NECESSARY, PROVISION OF TEACHING AIDS AND OTHER INSTRUCTIONAL MATERIALS, AND PAYMENT OF SALARIES, ALLOWANCES AND OTHER BENEFITS OF TEACHING AND NON-TEACHING PERSONNEL, COMPETENCY TRAININGS FOR TEACHING PERSONNEL, OPERATION OF ALTERNATIVE LEARNING SYSTEM (ALS), INCLUDING PAYMENT OF SALARIES, ALLOWANCES AND OTHER BENEFITS OF ALS FACILITIES, construction and repair of school buildings, LIBRARIES, ADMINISTRATION OFFICES, ASSEMBLY
HALLS, LABORATORIES, OTHER facilities and equipment, educational research, purchase of books and periodicals, TEACHING AIDS, OTHER INSTRUCTIONAL MATERIALS, [and] sports development, AND ALL OTHER EXPENDITURES RELATIVE TO THE PROMOTION OF ACCESSIBLE PUBLIC EDUCATION as determined and approved by the Local School Board.”

SECTION 4. The Department of Education, Department of Interior and Local Government, and the Department of Budget and Management shall, within ninety (90) days from the effectivity of this Act, promulgate the rules and regulations necessary to implement the provisions of this Act.

SECTION 5. Any provision of law, decree, order, rule or regulation inconsistent with this Act is hereby repealed and/or modified accordingly.

SECTION 6. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,