

REPUBLIC ACT NO. 7880

AN ACT PROVIDING FOR THE FAIR AND EQUITABLE
ALLOCATION OF THE DEPARTMENT OF EDUCATION,
CULTURE AND SPORTS' BUDGET FOR CAPITAL
OUTLAY

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

SECTION 1. *Title.* – This Act shall be known and cited as
the "Fair and Equitable Access to Education Act."

SEC. 2. *Declaration of Policy.* – It is hereby declared the
policy of the State to uphold the primacy of education, to foster
patriotism and nationalism, accelerate social progress, and
promote total human liberation and development. Accordingly,
the State shall provide for the development of its citizenry as
represented by all legislative districts by ensuring them fair and
equitable access to the infrastructure and tools necessary for
quality education. Towards this end, the State shall provide all
legislative districts a minimum and continuing level of educational
development by establishing an objective mechanism that would
make equitable the allocation of the Department of Education,
Culture and Sports' (DECS) budget for capital outlay.

SEC. 3. *Definition of Terms.* – As used in this Act, the
following terms are hereby defined as follows:

(a) *Capital outlay* - refers to the provisions of the General
Appropriations Act, particularly those pertaining to the budget of
the DECS for elementary and secondary education for (i) the
acquisition and improvement of sites; (ii) the construction,
replacement, rehabilitation and repair of buildings, classrooms,
libraries, workshops, toilets and other structures; and (iii)
furniture, fixtures, and equipment such as, but not limited to,

desks, chairs, laboratory and workshop implements, computers, books, and the other basic and essential tools for learning whose beneficial use shall exceed one (1) year; and

(b) *Classroom shortage* - refers to the number of classrooms whose construction, in considering the number of students divided by the existing number of classrooms, shall result in a student-classroom ratio of 45:1; classrooms shall mean those exclusively used for instructional purposes and shall exclude offices, libraries, laboratories, workshops and the like.

SEC. 4. *Allocation of Appropriation.* – Notwithstanding any provision of the law to the contrary, the annual DECS budget for capital outlay, as defined in Section 3 (a), shall be allocated among the legislative districts in the following manner:

a) On the first year of the effectivity of this Act:

1) thirty percent (30%) of the total capital outlay to be allocated *pro-rata* according to each legislative district's student population in relation to the total student population of the country;

2) sixty percent (60%) of the total capital outlay to be allocated only among those legislative districts with classroom shortages as defined in Section 3 (b), *pro-rata* to the total classroom shortage of the country pursuant to Section 3 (b) as determined by the DECS; and

3) ten percent (10%) to be allocated in accordance with the implementation of the policy of this Act as may be determined by the DECS.

b) On the second year and every year thereafter:

1) fifty percent (50%) of total capital outlay to be allocated *pro-rata* according to each legislative district's student-population in relation to the total student population of the country;

2) forty percent (40%) of the total capital outlay allocated only among those legislative districts with classroom shortages,

as defined in Section 3 (b), *pro-rata* to the total classroom shortage of the country pursuant to Section 3 (b) as determined by the DECS; and

3) ten percent (10%) to be allocated in accordance with the implementation of the policy of this Act as may be determined by the DECS.

SEC. 5. *Use of Allocation.* – The total amount allocated herein shall be used exclusively for capital outlay pursuant to the educational priorities of the legislative district, as determined by the DECS upon prior consultation with the representative of each legislative district: *Provided*, That the primary objective in the use of any allocation shall be to eliminate classroom shortages if any: *Provided, further*, That any amount allocated in accordance with subparagraph (1) of paragraphs (a) and (b) of the preceding section shall be used only for the acquisition or improvement of school sites, construction of schoolbuildings and classrooms and the purchase of material or equipment that directly aid in education: *Provided, furthermore*, That the amount so appropriated in accordance with subparagraph (2) of paragraphs (a) and (b) of the same section shall be used exclusively for the construction of new schoolbuildings: *Provided, finally*, That if the amount so appropriated in subparagraph (2) of paragraphs (a) and (b) should exceed the amount required to meet classroom shortage, the excess shall be integrated with subparagraph (1) of paragraphs (a) and (b) of the same section excluding capital outlays of division offices, regional and central offices.

SEC. 6. *Implementing Rules and Regulations.* – The DECS, upon prior consultation with the Department of Budget and Management, shall promulgate the necessary rules and regulations for the immediate and effective implementation of this Act within a period of sixty (60) days after its effectivity. The DECS officials shall submit to the Committees on Finance, and Education, Arts and Culture of both Houses of Congress copies of the implementing rules and regulations within thirty (30) days after its promulgation. Any violation of this Section shall render the concerned official liable under Republic Act No. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees," and other existing administrative and/or criminal laws.

SEC. 7. *Certification.* – Any person charged in the implementation of this Act shall certify under oath to be attached in the payroll or salary voucher under which his salary is paid that the provision of this Act on the allocation of appropriation for the year as provided under Section 4 has been fully complied with.

SEC. 8. *Penal Clause.* – Any public official or employee or private individual who willfully or knowingly misappropriates the funds allocated herein or uses the same for personal gain in violation of Section 5 of this Act shall be punished with perpetual disqualification from public office and imprisonment for not less than six (6) years but not more than fifteen (15) years.

SEC. 9. *Release of Capital Outlays.* – The appropriation herein provided for the construction, rehabilitation, replacement, completion and repair of schoolbuildings shall be directly released to and administered by the Department of Public Works and Highways based on the work program submitted by the DECS: *Provided, That* fifty percent (50%) of the total appropriation for capital outlay shall be released automatically on the first quarter of the calendar year, including its corresponding notice of cash allocation.

SEC. 10. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SEC. 11. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, and all other issuances or parts thereof, which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 12. *Effectivity.* – This Act shall take effect upon its approval.

Approved, February 20, 1995.