

Part 1: Issues raised in the Terms of Reference

Preliminary Questions

Education Policy and Programs

1. Please provide an overview of the framework of government education policies and programs in your country, including the division of responsibilities and financing between national, state and local governments.

Framework of Government Education Policies and Programs is provided for in the 1987 Philippine Constitution particularly states under **Article XIV Education, Science and Technology, Arts, Culture, and Sports** :

"Section 1. The State shall protect and promote the rights of citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all.

Section 2. *The State shall :*

- (1) Establish, maintain, and support a complete, adequate, integrated system of education relevant to the needs of the people and society;*
- (2) Establish and maintain a system of free public education in the elementary and high school levels. Without limiting the natural right of parents to rear their children, elementary education is compulsory for all children of school age;*
- (3) Establish and maintain a system of scholarship grants, student loan programs, subsidies, and other incentives which shall be available to deserving students in both public and private schools, especially to the underprivileged;*
- (4) Encourage non-formal, informal, and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs particularly those that respond to community needs; and*
- (5) Provide adult citizens, the disabled, and out-of-school youth with training in civics, vocational efficiency, and other skills.*

Section 3.

- (1) All educational institutions shall include the study of the Constitution as part of the curricula.*
- (2) They shall inculcate patriotism and nationalism, foster love of humanity, respect for human rights, appreciation of the role of national heroes in the historical development of the country, teach the rights and duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline, encourage critical and creative thinking, broaden scientific and technological knowledge, and promote vocational efficiency;*
- (3) At the option expressed in writing by the parents or guardians, religion shall be allowed to be taught to their children or wards in public elementary and high schools within the regular class hours by instructors designated or approved by the religion to which the children or wards belong, without additional cost to the Government.*

Section 4. (1) The State recognizes the complementary roles of public and private institutions in the educational system and shall exercise reasonable supervision and regulation of all educational institutions.

(2) Educational institutions, other than those established by religious groups and mission boards, shall be owned solely by citizens of the Philippines or corporations or associations at least sixty per centum of the capital of which is owned by such citizens. The Congress may, however, require increased Filipino equity participation in all educational institutions. The control and administration of educational institutions shall be vested in citizens of the Philippines. No educational institution shall be established exclusively for aliens and no group of aliens shall comprise more than one-third of the enrollment in any school. The provisions of this sub section shall not apply to schools established for foreign diplomatic personnel and their dependents and, unless otherwise provided by law, for other foreign temporary residents.

(3) All revenues and assets of non-stock, non-profit educational institutions used actually, directly, and exclusively for educational purposes shall be exempt from taxes and duties. Upon the dissolution or cessation of the corporate existence of such institutions, their assets shall be disposed of in the manner provided by law. Proprietary educational institutions, including those cooperatively owned, may likewise be entitled to such exemptions, subject to the limitations provided by law, including restrictions on dividends and provisions for reinvestment.

(4) Subject to conditions prescribed by law, all grants, endowments, donations, or contributions used actually, directly, and exclusively for educational purposes shall be exempt from tax.

Section 5.

(1) The State shall take into account regional and sectoral needs and conditions and shall encourage local planning in the development of educational policies and programs.

(2) Academic freedom shall be enjoyed in all institutions of higher learning.

(3) Every citizen has a right to select a profession or course of study, subject to fair, reasonable, and equitable admission and academic requirements.

(4) The State shall enhance the right of teachers to professional advancement. Non-teaching academic and non-academic personnel shall enjoy the protection of the State.

(5) The State shall assign the highest budgetary priority to education and ensure that teaching will attract and retain its rightful share of the best available talents through adequate remuneration and other means of job satisfaction."

ARTS AND CULTURE

Section 18. (1) The State shall ensure equal access to cultural opportunities through the educational system, public or private cultural entities, scholarships, grants and other incentives, and community cultural centers, and other public venues.

(2) The State shall encourage and support researches and studies on the arts and culture.

s of higher learning.

(3) Every citizen has a right to select a profession or course of study, subject to fair, reasonable, and equitable admission and academic requirements.

(4) The State shall enhance the right of teachers to professional advancement. Non-teaching academic and non-academic personnel shall enjoy the protection of the State.

(5) The State shall assign the highest budgetary priority to education and ensure that teaching will attract and retain its rightful share of the best available talents through adequate remuneration and other means of job satisfaction and fulfillment.

Other related provisions in the Philippine Constitution include the following:

ARTICLE II

DECLARATION OF PRINCIPLES AND STATE POLICIES PRINCIPLES

Section 17. The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.

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ARTICLE VI

THE LEGISLATIVE DEPARTMENT

Section 28 (3) Charitable institutions, churches and personages or convents appurtenant thereto, mosques, non-profit cemeteries, and all lands, buildings, and improvements, actually, directly, and exclusively used for religious, charitable, or educational purposes shall be exempt from taxation.

Justiciability of economic, social and cultural rights with respect to the right to education

2. Please provide details of cases from the national courts of your country with respect to the justiciability of economic, social and cultural rights, with a particular focus on the right to education.
3. Please provide information about remedies available and the enforceability of the decisions of national courts with respect to the right to education.

The right to education has always been recognized and prioritized by domestic legislation, one of which is the very fundamental Philippine Constitution as shown by several provisions thereof

under a very specific article. Philippine jurisprudence as well has emphasized the importance of this constitutionally guaranteed right whenever legal controversies affecting these rights are brought before courts of law. The issues involving this right are indeed considered justiciable and ripe for adjudication as shown in several cases decided by the Supreme Court.

In **Tablarin v. Gutierrez**, 154 SCRA 730, the Supreme Court upheld the constitutionality of the National Medical Admission Test (NMAT) as a requirement for admission to medical school. The NMAT does not violate the right of the citizens to quality education at all levels; in fact, it ensures quality education at all levels; in fact, it ensures quality education for future doctors, and protects public health by making sure of the competence of future medical practitioners. In **DECS v. San Diego**, 180 SCRA 534, the regulation that a person who has thrice failed the NMAT is not entitled to take it again was likewise upheld.

In **Philippine Merchant Marine School v. Court of Appeals, supra.**, the Court said that the requirement that a school must first obtain government authorization before operating is based on the State policy that educational programs and/or operations shall be of good quality and, therefore, shall at least satisfy minimum standards with respect to curricula, teaching staff, physical plant and facilities and administrative and management viability.

As to the constitutional provision under *Sec.5, Art. XIV* declaring that the highest budgetary priority shall be allotted to education, the Supreme Court ruled in **Guingona v. Carague, 196 SCRA 221; Philippine Constitution Association v. Enriquez, supra.** that this provision has been construed to be **merely directory**; it does not follow that the hands of Congress be so hamstrung as to deprive it of the power to respond to the imperatives of national interest and the attainment of other state policies and objectives.

Also touching on the subject of *Freedom of Religion* contained in *Sec. 5, Article III* of the Philippine Constitution and the two guarantees of the said freedom which consist of :

- (a) Non-establishment Clause; and
- (b) Freedom of religious profession and worship.

Certain exceptions to the said *non-establishment clause* ("No law shall be made respecting an establishment of religion or prohibiting the free exercise of religion thereof ") have been enumerated by the Constitution itself, one of which is found **Sec. 4 (2)** ["citizenship requirement of ownership of educational institutions, except those established by religious groups and mission boards"] and **Sec.3 (3)** ["optional religious instruction in public elementary and high schools at the option expressed in writing by the parents or guardians..."], **Art. XIV** thereof.

To further illustrate, in the case of **Everson v. Board of Education, 30 U.S. 1**, the US Supreme Court said that the non-establishment clause means that the State cannot set up a church; nor pass laws which aid one religion, or prefer one religion over another nor force nor influence a person to go or to remain away from church against his will or force him to profess a belief or disbelief in any religion, etc. In **Engel v. Vitae, 370 U.S. 421**, known as the "School Prayer Case", the recitation by the students in public schools in New York of a prayer composed by the Board of Regents was held unconstitutional.

Another aspect of the Freedom of Religion is the freedom of religious profession and worship, two aspects :

- (1) Right to believe, which is ABSOLUTE and;
- (2) Right to act according to one's belief, which is SUBJECT TO REGULATION.

In the case of **Ebralinag v. Division Superintendent of Schools of Cebu, 219 SCRA 514**, the Supreme Court reversed **Gerona v. Secretary of Education, 106 Phil 2** and the **Balbuna** decision, and upheld the right of the petitioners to refuse to salute the Philippine flag on account of their religious scruples. (*Outline Reviewer in Political Law by Antonio Nachura*)

The concept of **Academic Freedom** in accordance with what has been stated under Sec.5 (2) of Art.XIV of the Philippine Constitution has always given rise to much of the legal controversies involving the right to education.

There are two views on Academic Freedom :

- (a) **From the standpoint of the educational institution** :
The freedom of the university to determine "who may teach; what may be taught, how it shall be taught; and who may be admitted to study" (*Sweezy v. State of New Hampshire, 354 U.S. 234*).
- (b) **From the standpoint of the members of the academe** :
The freedom of the teacher or research worker in higher institutions of learning to investigate and discuss the problems of his science and to express his conclusions, whether through publication or in the instruction of students, without interference from political or ecclesiastical authority, or from the administrative officials of the institution in which he is employed, unless his methods are found by qualified bodies of his own profession to be completely incompetent or contrary to professional ethics (*Frank Lovejoy, Encyclopedia of Social Science p.384*).

There are limitations to Academic Freedom according to U.S. Jurisprudence in **Kay v. Board of Higher Education of New York, 173 Miss 943** :

- a) The dominant police power of the State; and
- b) The social interests of the community.

In **Board of Medical Education v. Judge Alfonso, 176 SCRA 304**, the Supreme Court sustained the decision of the Board of Medical Education in closing the Philippine Muslim-Christian College of Medicine for being "inadequate"

In **Capitol Medical Center v. Court of Appeals, 178 SCRA 493**, the closure of the nursing school was upheld, after due notice to the DECS, when its teachers and students declared a strike, refusing to hold classes and take examinations. The school may not be forced to reopen at the instance of the striking students.

In **Non v. Dames, 185 SCRA 523**, the Supreme Court reversed its ruling in **Alcuaz v. PSBA, 161 SCRA 7**, declaring that the "termination of contract" theory in Alcuaz can no longer be used as a valid ground to deny readmission or re-enrollment to students who had led or participated in student mass actions against the school. The Court held that the students do not shed their constitutionally-protected rights of free expression at the school gates. Cited with approval were the rulings in **Malabanan v. Ramento, 129 SCRA 359, along with Villar v. technological Institute of the Philippines, 135 SCRA 706; Arreza V. George Araneta University Foundation, 137 SCRA 94; and Guzman V. National University, 142 SCRA 699**. Accordingly, the only valid grounds to deny readmission of students are academic deficiency and breach of the school's reasonable rules of conduct. Be that as it may, in imposing disciplinary sanctions on students, it was held in Guzman (reiterated in **Ateneo de Manila University v. Capulong, supra.**) that the following minimum standards of procedural due process must be satisfied :

- (i) The students must be informed in writing of the nature and cause of the accusation against them;
 - (ii) They shall have the right to answer the charges against them, with the assistance of counsel, if desired;
 - (iii) They shall be informed of the evidence against them;
 - (iv) They shall have the right to adduce evidence in their own behalf; and
 - (v) The evidence must be duly considered by the investigating committee or official designated by the school authorities to hear and decide the case.
- (Outline Reviewer in Political Law by Antonio Nachura)

Held inapplicable to this case are the rulings in **Garcia v. The Faculty Admission Committee, Loyola School of Theology, 68 SCRA 277** where the issue was whether a female lay student had the

right to compel a seminary for the priesthood to admit her for theological studies leading to a degree, and **Tangonan v. Pano, 135 SCRA 245** where the issue was whether a nursing student, who was admitted on probation and who failed in her nursing subjects, may compel her school to readmit her for enrolment.

In the case of **INTERNATIONAL SCHOOL ALLIANCE OF EDUCATORS vs. QUISUMBING, et. al.** GR No. 128845, June 1, 2000, the Supreme Court resolved the issue on discrimination between local and foreign hires as to the payment of higher salaries to the former in the said institution. It cited the International Covenant on Economic, Social and Cultural Rights, Article 7 thereof, which provides :

" The State Parties to the Present Covenant recognizes the right of everyone to the enjoyment of just and favorable conditions of work, which ensure, in particular:

A .Remuneration which provides all workers, as a minimum, with:

- i. Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work"*

The Supreme Court reiterated in its decision that, **"The foregoing provisions impregnably institutionalize in this jurisdiction the long honored legal truism of "equal pay for equal work." Persons who work with substantially equal qualifications, skill, effort and responsibility, under similar conditions should be paid similar salaries. This rule applies to the School, its "international character" notwithstanding."**

There still remains a long line of jurisprudence involving the right to education in the Philippines and other incidental issues directly or indirectly involving the said right or the exercise of a privilege in instances where it is considered as such. The Judiciary as a co-equal branch of the government has never been remiss in resolving issues pertaining to this constitutionally guaranteed right, it has always given its judicial interpretation to legal controversies arising therefrom that would ultimately safeguard and protect this freedom.

4. Please provide information relevant to your government's position regarding the proposed Optional Protocol for the International Covenant on Economic, Social and Cultural Rights.

The Philippine Government has not issued an official stand on the proposed draft Optional Protocol to the International Convention on Economic, Social, and Cultural

Rights. However, according to the Department of Foreign Affairs, the Philippine Mission has been active in attending the meetings of the UN Working Group assigned to this task.

**The right to receive an education:
available, accessible, acceptable, and adaptable**

Availability

Functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State party. (CESCR General Comment No. 13)

Expenditure

5. Please provide an overview of government expenditure on all levels of education in your country. Where there is a divide in education expenditure between national, state and local governments please provide this information. Where possible, figures should be disaggregated (primary, secondary, higher education, formal and non-formal) and expressed in both real terms and as a percentage of gross national product.

The education sector enjoys the biggest budget allocation of about Php100 billion or 12.5 percent of the annual budget of the Philippine government.

However, its share in total expenditures declined from 13.24 percent to 12.35 percent during the period 2003-2005. (See Tables 8 and 9). Further, the amount spent per child per year (roughly US\$150) is one of the smallest in the region (compare this to US\$ 950 per child that Thailand spends).

The basic education sub-sector continues to take on the bigger chunk of the education budget in line with the government's commitment for free and compulsory elementary education and free education. Government spending for basic education grew at an annual average of 4.5 percent during the period 2000-2004. The 2004 budget for basic education increased by Php10.8 billion or an increase of about 11 percent from the 2001 level of Php98.2 billion.

Other Sources of Funds for Education, particularly for school buildings (which are funded by the Government under the General Appropriations Act, are built by the Department of Public Works and Highways) have been tapped apart from government allocations.

Local government units (LGUs) are also responsible for the construction and repair of classrooms and school-buildings located within their jurisdiction. Under Sec. 272 of the Local Government Code, LGUs shall apply the proceeds of the Special Education Fund for 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 as determined and approved by the Local School Board.

Legislators, through their Countrywide Development Fund (CDF), also assist in the building of new classrooms. The CDF or Priority Development Assistance Fund refers to funds given to the members of the Senate and the House of Representatives which the members of these bodies could use to fund projects within their jurisdiction. Ideally, legislators fund projects that would have the most impact on the lives of their constituents -- those aimed at improving health, alleviating poverty, or upgrading the quality of education.

Under the Third-Elementary Education Project, classrooms for elementary schools are built by the DepEd's principals and school heads in the 22 depressed provinces. TEEP provides technical and financial assistance to LGUs in the construction and rehabilitation of school buildings in the depressed provinces of the country. Seventeen (17) of these were identified by the Social Reform Agenda, while the other five (5) were chosen by the Presidential Commission to Fight Poverty. These include the following provinces:

- *Luzon*: Kalinga, Apayao, Abra, Batanes, Mountain Province, Ifugao, Benguet, Aurora, Masbate
- *Visayas*: Antique, Negros Oriental, Romblon, Capiz, Eastern Samar, Leyte, Southern Leyte, Biliran, Guimaras; and
- *Mindanao*: Agusan del Sur, Surigao del Sur, North Cotabato, Zamboanga del Sur.

In 2003, the Department of Labor and Employment (DOLE) launched the *Classroom Galing sa Mamamayang Pilipino Abroad* (CGMA) project. The project aims to alleviate the classroom shortage in the country through the construction of 25 classrooms in needy public schools. The project draws its funds from contributions received from overseas Filipino workers (OFWs) association and communities across the Middle East, Asia, Europe, and US. The project is under the *Kabayanihan Program of the Overseas Workers Welfare Administration* (OWWA) of DOLE.

As of 31 March 2005, more than P62 million in donations by overseas Filipino workers (OFWs), corporations, and philanthropists worldwide has been received by the CGMA project for the construction of 310 classrooms in selected public elementary and high schools nationwide.

The DepEd also promotes the *Adopt-A-School Program* which is aimed at generating private sector support for the public basic education system. The Program yielded donations valued at over Php270 million from September 2002-January 2004. Donor assistance came in the form of classroom construction; teaching skills development, provision of basic school resources, including textbooks; computer and science laboratory equipment and school-feeding programs for children.

In May 2003, the DepEd launched the *Brigada Eskwela* (School Brigade) to mobilize community support. This is a school maintenance project that involves time, labor and resources volunteered by the community for the rehabilitation and maintenance of classrooms, laboratories and multipurpose workshops. Since its launching, the number of participating elementary and secondary schools increased from 13,600 in 2003 to 16,086 in 2004. In May 2004, a total of 278,170 parent-volunteers joined the program and undertook rehabilitation and

maintenance activities. In May 2005, a total of 20,563 public schools (17,861 elementary and 2,702 high schools) participated in the project.

The Armed Forces of the Philippines (AFP), through the AFP Engineers, also assists in the building of schools. To date, the AFP's involvement in the building of schools has resulted in the construction of 220 school buildings for 2002 and 155 school buildings for 2003. The AFP targeted the construction of an additional 48 school buildings for 2005.

IBON, a local think tank summarizes its assessment of the current budget appropriation (which today has yet to be passed by Congress hence, the government is still operating under the 2005 Budget levels):

In her 2006 budget message, President Gloria Macapagal-Arroyo said next year's proposed P1.053 trillion expenditure program is "a potent weapon for the permanent upliftment of the large mass of our people from poverty." And at first glance, the 2006 budget may seem an "improvement" over last year's. It is P134.6 billion more than the 2005 budget, which could mean increased government resources going towards the people's welfare.

There are noticeable increases in spending in economic services (by 24.8%), social services (15.6%) and general public services (13.8%) compared to 2005. At the same time there is slower growth in debt servicing, which records a mere 8.5% increase compared to the previous year. Correspondingly, the share of economic services and social services to total expenditure increased while that of debt service decreased.

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Today, debt is still the largest expenditure in the National Budget. Statistics show that the single largest chunk of the 2006 budget, more than 30%, will still go to paying interest on public debt, followed by spending on education, 13.9 %, and on communications, roads and other transportation, 6.8 %.

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. . . Spending on social services has been going down. Examining trends from 2001 to 2006, the share of education to the total budget has fallen from 17.4% to 13.9%, of health spending from 1.9% to 1.3%; and of housing spending from 0.4% to 0.3%.

Total debt service payments have risen almost three-fold from P274.4 billion in 2001 to a projected P721.7 billion in 2006, which was equivalent to 68.5% of the total expenditure program for the year. This also means some P2 billion pesos in total debt payments each day. In the 2006 budget, total debt service will be: five times that of education spending (P146.5 billion); 53 times that of

health spending (P13.7 billion); and 262 times that of housing spending (P 2.8 billion).

A closer look at the increased allocations in social services is also revealing. The "increase" is mainly found in a seemingly generous 46.2% increase in social security, welfare and employment spending: from P40.1 billion in 2005 to P58.6 billion in 2006. But two-fifths (41.1%) of this budget goes just to the pensions and gratuities of the 150,000-strong Armed Forces of the Philippines (AFP). Moreover, P10 billion is going to "retirement benefits" for tens of thousands of government employees who are going to be retrenched next year.

Furthermore, in real terms education and health spending have actually declined. Compared to 2001 levels, real spending in 2006 on education will be 4.5% lower and on health 19.2% lower. Increasing population growth has also cut into per capita spending. The Department of Education (DepEd) per capita budget per public school student, for example, has fallen from P6,007 per enrollee in 2001 to P4,782 per enrollee in 2006, or a 20% decrease.

The DepEd also estimates that there will be a need for an additional 10,549 classrooms, 1.2 million seats, 67 million textbooks and 12,131 teachers in 2006, which they already foresee will not be met by the 2006 budget.
<<http://70.85.145.34/~ibon/read.php?newsid=179>>

Earlier dated analysis of the budget allocation on education is as follows:

The proportion of the national government budget going to education has varied from a high of 31.53 percent in 1957 to a low of 7.61 percent in 1981. It stood at 15.5 percent in 1987. The peso amount, however, has steadily increased, and the lower percentage reflects the effect of a larger total government budget. Although some materials were still in short supply, by 1988 the school system was able to provide one textbook per subject per student. In 1991 the Philippine government and universities had numerous scholarship programs to provide students from low-income families with access to education. The University of the Philippines [classified as a State University] followed a "socialized tuition" plan whereby students from higher income families paid higher fees and students from the lowest income families were eligible for free tuition plus a living allowance.
<<http://countrystudies.us/philippines/53.htm>>

6. Please provide information about education funding models used in your country.

Issues for consideration could include (but are not restricted to):

- Funding for state and non-state (private) education institutions;
- The dependence on school fees in any form, direct or indirect
- Use of education vouchers;
- Privatization of the education system.

The 1987 Constitution in Article XIV - Education, Science and Technology, Arts, Culture and Sports provides for the ownership of schools:

Sec. 4(2) Educational institutions, other than those established by religious groups and mission boards, shall be own solely by citizens of the Philippines or corporations or associations at least sixty per centum of the capital of which is owned by such citizens. The Congress may however, require increased Filipino equity participation in all educational institutions. Control and administration of educational institutions shall be vested in the citizens of the Philippines. No educational institutions shall be established exclusively for aliens and no group of aliens shall comprise more than one-third of the enrollment in any school. The provisions of this subsection shall not apply to schools established for foreign diplomatic personnel and their dependents and unless otherwise provided by law for other foreign temporary residents.

7. Please provide information about your government's laws, policies and programs regarding acceptance of international assistance and cooperation in relation to education.

On the matter of existing legislation on the acknowledgement of international assistance and cooperation **in general**, specific constitutional provisions have provided certain limitations.

In the 1987 Philippine Constitution under Article IX - **Constitutional Commissions**, C. The Commission of Elections, Sec. 2 par. 5 thereof states :

" Sec.2. The Commission on Elections shall exercise the following powers and functions :

x x x x

(5) Register, after sufficient publictation, political parties, organizations, or coalitions which, in addition to other requirements, must present the platform or programs of government; and accredit citizens' arms of the Commission on Elections. Religious denominations and sects shall not be registered. Those which seek to achieve their goals through violence or unlawful means, or refuse to uphold and adhere to this Constitution, or which are supported by any foreign government shall likewise be refused registration.

Financial contributions from foreign governments and their agencies to political parties, organizations, coalitions, or candidates related to elections constitute interference in national affairs, and when accepted, shall be an additional ground for the cancellation of their registration with the Commission, in addition to other penalties that may be prescribed by law.

In the same vein, Batas Pambansa Bilang 881, otherwise known as the Omnibus Election Code of the Philippines, under Article X - **Campaign And Election Propaganda**, sec. 81 thereof states :

" **Sec.81. Intervention of foreigners.** - *It shall be unlawful for any foreigner, whether judicial or natural person, to aid any candidate or political party, directly or indirectly, or take part in or influence in any manner any election, or to contribute or make any expenditure in connection with any election campaign or partisan political activity*

Clearly, domestic legislation, generally, in terms of acceptance of international assistance or financial contributions by international organizations entities are not without congressional limitations and restrictions as enumerated above.

It is noteworthy, that under Mercantile law or Commercial law in the Philippines, certain institutions, corporations or associations, whether or not involving trade or industry, require sole Filipino ownership and in cases of leniency as to the regulations and ownership requirements, at least 60 to 70 percentum must still be owned by Filipinos.

In terms of the acknowledgement of international assistance and cooperation relevant to the right to education, domestic legislation does not provide specific laws prohibiting acceptance or regulating the obligations arising therefrom. However, the Philippine Constitution provides legal consequences and implications more on the *donee/grantee* or the educational or charitable institution involved rather than the *donor/grantor*.

Under par.(3)and(4), section 4 of Article XIV of the Constitution :

"(3) **All revenues and assets of non-stock, non-profit educational institutions used actually, directly, and exclusively for educational purposes shall be exempt from taxes and duties.** Upon the dissolution or cessation of the corporate existence of such institutions, their assets shall be disposed of in the manner provided by law.

Proprietary educational institutions, including those cooperatively owned, may likewise be entitled to such exemptions subject to the limitation provided by law including restrictions on dividends and provisions for reinvestment.

(4) **Subject to conditions prescribed by law, all grants, endowments, donations, or contributions used actually, directly, and exclusively for educational purposes shall be exempt form tax.**

Domestic legislation indeed provides for positive legal implications in the form of tax exemptions granted to educational institutions (*donee/grantee*) that utilize such financial contributions or donations received, **actually, directly and exclusively** for educational purposes.

International assistance and cooperation is a broader concept and not limited to donations or other financial contributions or endowments. Transactions or dealings entered into by the educational institution and the foreign entity or organization are subject to the

terms and conditions agreed upon by the parties privy to the said transaction as a private contract or obligation which is binding between them in accordance with the laws of their country and not violative of public policy, customs and good morals. These are basic requirements/requisites in whatever law governing obligations and contracts, whether domestically or internationally.

More recently, the Government, in cooperation with the World Bank and Japan Bank for International Cooperation, implemented the Third Elementary Education Project (TEEP). The project's overall aspiration is to improve the quality and access to elementary education, with the particular objectives of: strengthening the capacity of DepEd to deliver elementary education more effectively; improving pupil participation, learning achievement and reducing dropout rate; and actively involving the community and local government units. The special features of TEEP include: Decentralization and school empowerment; Local educational planning and management; School improvement and innovation facility; Adequate textbooks and instructional materials; Needs-based training for teachers, principals and supervisors; Local school construction and equipment; Multi-grade program; and Partnership with stakeholders.

The project consists of three (3) main component groups, viz: (a) civil works, which includes the construction and rehabilitation of classrooms and division offices; (b) finance and administration, including procurement, financial management, management information system and project management; and (c) educational development, encompassing student assessment, textbooks and instructional materials.

World Bank has reported that of its US\$ 1.158 billion allocation in 2005, 30% of the 23 projects are for education, health and social development which includes a US\$910,000 grant for the preparation of National Program Support for Basic Education <<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTEDUCATION/0,,contentMDK:20565636~menuPK:282423~pagePK:64020865~piPK:149114~theSitePK:282386,00.html>>.

8. Please describe the role and impact of non-state actors such as international financial institutions and trans-national corporations on the realisation of the right to education in your country. For example, if your country has adopted a structural adjustment program, has this impacted upon government expenditure on education policies and programs?

As mentioned in point 5 on Debt Servicing receiving the highest appropriation in the Government Budget despite a constitutional provision mandating the highest budget allocation for Education.

Infrastructure

9. Please provide information the availability and adequacy of infrastructure, especially for girls, for schools and other educational institutions in your country, including classrooms, library, sanitation facilities, safe drinking water and any other relevant facilities.

Please refer to point 5 on other sources of funds for school buildings and to points 23 and 23 on statistics.

Teachers and support staff

10. Please provide information about the availability of qualified teachers and support staff for all levels of education in your country, on teacher training initiatives to meet 'education for all' goals, and any other relevant issues that impact upon this availability.

To ensure that there are sufficient teachers and to enhance their competence and quality of teaching, Centers of Excellence in Teacher Education to handle pre-service training were established. These centers were put in place pursuant to Republic Act No. 7784 *Excellence in Teacher Education Act* to further ensure quality education for all children.

Teachers in public and private elementary schools must have earned at least a bachelor's degree in elementary education. Secondary school teachers are expected to have earned a bachelor's degree in secondary education with specialization (major or minors) in secondary school subjects. Both degrees must be earned in approved teacher education courses at recognized institutions

All teaching degree programs are four (4) years in length. Non-education graduates may complete an 18-unit Certificate of Professional Education program in order to qualify as primary or secondary teachers. After completion of these programs, the students are required under Republic Act No. 7836, otherwise known as *Teachers Professionalization Act*, to take the Licensure Examination for Teachers to qualify them to teach both in the elementary and secondary levels.

All teaching degree programs are four (4) years in length. Non-education graduates may complete an 18-unit Certificate of Professional Education program in order to qualify as primary or secondary teachers. After completion of these programs, the students are required under Republic Act No. 7836, otherwise known as *Teachers Professionalization Act*, to take the Licensure Examination for Teachers to qualify them to teach both in the elementary and secondary levels.

The DepEd regularly conducts in-service training for teachers at the division and regional levels. District and school learning action cell sessions are also regularly held to continuously improve the teachers' managerial and instructional skills.

The National Educators Academy of the Philippines (NEAP) responds to the demand for professional competence as well as management and leadership excellence in the educational community. To fulfill its mandate, NEAP focuses on the following three (3) components: the training and development component; program and development component; and, research and development component.

The annual search for the most effective public elementary and secondary schools has contributed to enhancing the capabilities of administrators and teachers in the school system. Criteria used are (1)

highly motivated learners; (2) competent and highly committed teachers; (3) capable and dynamic managers; (4) adequate and wholesome learning environment; (5) harmonious school-parent-community relationships.

On salaries of teachers, the minimum monthly gross basic salary of public school teachers in the elementary and secondary school is Php9,939.00 (US\$183.21).

Soldiers in the Armed Forces of the Philippines receive higher salaries. A public school teacher with the item Teacher 1 (entry level) only receives a gross pay of Php9,939 (\$183.21) monthly, as mentioned above, which is equivalent to a private's salary.

A chief master sergeant on the other hand has the same salary as the District Supervisor II of DepEd. The master sergeant needs only be a high school graduate while Dep-Ed supervisors and principals have masteral degrees. In addition, an Assistant Professor 1 at the college level belongs to the same salary grade of a Chief M/Sgt and District Supervisor II (salary grade 18) and consequently receives a gross monthly pay of Php15,841 (\$292). A cadet of the Philippine Military Academy (PMA) belongs to Salary Grade 19 and receives an even higher "subsistence allowance" than the District Supervisor who, aside from being an MA degree holder, has served the government for at least 15 years.

Teaching facilities and materials

11. Please provide information about the availability and adequacy of teaching facilities and materials including: classrooms, books and writing materials, information and communications technology equipment, libraries, laboratories, workshops, sporting equipment and facilities and other relevant materials.

In answering questions 5-11, please give consideration to the issue of diversity and the impact of 'availability' on the rights of minorities and indigenous people.

Please refer to points 22 and 23 on statistics relative to education.

The Human Rights Education Teaching Exemplars

Historical Background: The Commission on Human Rights, a government constitutional office is mandated to establish continuing programs of research, education, and to enhance respect for the primacy of human rights. To fulfill this mandate, it established linkages and collaboration efforts with the then Department of Education, Culture and Sports (DECS), presently the Department of Education (DEPED).with this effort, the two agencies forged a Joint Declaration of Undertaking (JDU) in 1992 and a Memorandum of Agreement (MOA) in 1996 which provided among others, development of human rights education curriculum for integration across the two levels of education.

To implement the main provision of the Memorandum of Agreement, a joint project was undertaken entitled: *Writing Workshop in the Development of Human Rights Education Teaching Exemplars for the Elementary and the Secondary Levels* .

In addition, as based on the CHR's Guiding Principles and Considerations in the Teaching of Human Rights, the implementation of any human rights education and teaching should be based on the principles which underline the charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other Covenants on Human Rights. Consequently, equal emphasis should be placed on economic, social, cultural, civil, and political rights as well as individual and collective rights.

The development of these Teaching Exemplars underwent a very tedious and rigorous process, as it also went through the changes of the educational system of the country. The Department of Education introduced a new curriculum, which led to the revision of the old or previous curriculum, now known as the Basis Education Curriculum or BEC. With this new development, it was deemed necessary to revise the Teaching Exemplars, thus, a Revision Workshop was conducted in order to make sure that all modifications or changes made in the writers' inputs would fit or match the new curriculum.

The Teaching Exemplars were pilot-tested in the different areas of the country after they had been revised and finalized. Together with the pilot-testing was the orientation on how to use these Teaching Exemplars, wherein actual class demonstrations were conducted by two participants (one from the Elementary Level and another from the Secondary Level). The participants in these activities were the various teachers, principals, supervisors, superintendents, and other guests from the regional offices of the CHR and the DepEd.

The Development of the Human Rights Education Facilitators' Manual

The development of the Human Rights Education Facilitators' Manual was triggered by the results of the survey of the Human Rights Awareness Level of Public School Teachers conducted. Based on the results, it was found out that the knowledge level of the teachers on human rights was low. To initially address this need, The Commission on Human Rights and the Department of Education jointly developed a Facilitators' Manual, which was designed as a teaching tool or aid for the Trainers of Teachers; and to be able to efficiently teach human rights, the teachers should be well-equipped with the knowledge and skills on human rights.

The Manual was composed of several Modules namely:

- The Program Engagement The Learning Process
- Human Rights Violations
- Why Teach Human Rights
- Foundations of Human Rights
- Human Rights Principles and Concepts
- Children's Rights

- Handling Disclosure of Child Abuse
- Teacher as HR Advocates
- The Human Rights Teaching Exemplars
- The Human rights Education Facilitators' Manual
- Learning Episodes
- Visioning and Action Planning
- Clearing House and Closure

Accessibility

Educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the State party. (CESCR General Comment No. 13)

Non-discrimination

12. Please provide details of legislation and government policies and programs relevant to issues of non-discrimination, equal treatment and equality of opportunity in education. Information provided should include (but is not limited to) consideration of issues of access for people living with disabilities, internally displaced persons, non-nationals, prisoners, refugees and other minorities.

In response to the needs of special groups, the State provides, through the Department of Education (DepEd), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA), special educational services which include among others, the following:

- **Nonformal education** which is any organized school based educational activity aimed at attaining specific learning objectives for a particular clientele, especially the illiterate, adults, and out of school youths;
- **Technical-vocational education** which is any non degree program at the post-secondary education level leading to proficiency in skills;
- **Work education** or practical arts which provides basic education to develop proper attitudes toward work; and
- **Special education** which develops the capabilities of individuals who are physically, mentally, emotionally, socially or culturally disabled as well as gifted children. In terms of school practices and services, the clientele is served with a modified education program.

The urban and rural poor as well as members of indigenous cultural communities are the most disadvantaged groups in terms of access to education services.

The ongoing socio-political integration of the indigenous cultural communities (ICCs) into the national mainstream is perceivably slowed down by, among others, illiteracy. The low literacy rate, in turn, is attributed to the scarcity of schools where these ICCs live.

Measures undertaken to guarantee equal access to education

As for those persons who have not received or completed the whole period of their primary education, there are different programs and projects which are being implemented the Bureau of Alternative Learning Systems (BALS). Such programs and projects include Non-formal Education Accreditation and Equivalency System, Basic Literacy Mobile Teacher Project, Basic Literacy Thru Service Contracting Scheme Project and the *Balik-Paaralan Para sa Out-of-School Youth Adult Project*.

Functional literacy programs, which are geared toward increasing the numerical ability and communication skills of the population, are also being implemented for out-of-school youths and adults in hard-to-reach areas on a wider scale.

The Government also administers the Philippine Education Placement Test (PEPT) for the benefit of those who would want to continue with their schooling after stopping for a number of years. PEPT is a paper-pencil test which measures and accredits the non-formal learning experiences of the out-of-school youth so that they can qualify for re-entry and placement in the formal school system.

For children of indigenous communities

For members of indigenous communities, Section 30 of the Indigenous Peoples Rights Act of 1997, Republic Act No. 8371, provides that indigenous cultural communities shall have equal access. In this regard, the Government grants assistance programs to deserving indigenous peoples through the *Select Ethnic Group Educational Assistance Program* and provides them with adult education programs which includes basic reading, writing and mathematics classes.

The DepEd is also enjoined to develop and institute an alternative system of education for children of indigenous communities, which is culture-specific and relevant to the needs and existing situation in their communities.

Children in Muslim Mindanao

Confronted with the severe lack of teachers and classrooms compounded by the distance of the schools from their homes, many children in remote *sitios* and mountainous communities in Mindanao are not able to proceed and finish either primary or elementary education.

In response to this, the *Basic Education Assistance for Mindanao* (BEAM) was conceived. BEAM is a DepEd project funded by the Government of the Philippines and the Government of Australia.

BEAM aims to improve access to formal education in Mindanao. The project introduces distance learning as an approach to the delivery of classes, more particularly for remote and isolated communities.

To ensure that these pupils will be able to proceed without having to walk and attend the daily classes in the nearest elementary public school (on the average a daily hike of 2-4 hours), classes are delivered right in their homes through a distance learning strategy.

Self-paced learning materials for all the core learning subjects in the normal grade level were developed for use of these pupils. Mobile teachers who were trained in the delivery of the instructional materials visit the children enrolled in the program on a weekly basis.

The pupils are given self-paced learning modules for the week and are aided by trained local para-teachers.

The self-instructional materials are also made culturally relevant to the IP children by indigenizing some of the contents and learning strategies while they remain consistent with the standard curricula requirements.

BEAM's current plans for support to Muslim education focus on addressing key elements of DepEd's recently released "Roadmap for Upgrading Muslim Basic Education" - a special program for the comprehensive educational development of Muslim Mindanao. A key objective of the roadmap is enhancing the capacity of the ulama/asatidz (*madrasah* teachers) as professional teachers particularly in the areas of English language proficiency, pedagogical skills and content mastery.

For Muslim children, the *Madrasah Education* was implemented by DepEd beginning School Year 2005-2006. The curriculum is a standard curriculum for the public schools and the private *Madaris* in Muslim communities, that provides meaningful, relevant and culture-sensitive education to Muslim children.

Educational Development of Children in Situations of Armed Conflict

Republic Act No. 7610, otherwise known as the *Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act*, seeks to ensure the survival and protection of children in situations with on-going armed hostilities. Under the law, the Government ensures the delivery of basic services, provides physical and psychological recovery services, and protects and promotes the rights of children in situations of armed conflict. Among the activities undertaken under the program includes training of day care workers on ECCD and psychosocial interventions; production and distribution of kits on early childhood enrichment program; conduct of parent effectiveness seminars; training of community health volunteers; health and nutrition classes for

mothers; training on critical incident stress debriefing for parents and care givers; and provision of safe water and sanitary facilities.

Under Republic Act no. 9344 otherwise known as *The Juvenile Justice and Welfare Act of 2006*, Title III- *Prevention of Juvenile Delinquency*, Chapter I - *The Role of Different Sectors* , section 13 thereof states :

" **Section 13. The Educational System** - Educational institutions shall work together with families, community organizations and agencies in the prevention of juvenile delinquency and in the rehabilitation and reintegration of child in conflict with the law. Schools shall provide adequate, necessary and individualized educational schemes for children manifesting difficult behavior and children in conflict with the law. In cases where children in conflict with the law are taken into custody or detained in rehabilitation centers, they should be provided the opportunity to continue learning under an alternative learning system with basic literacy programs or non-formal education accreditation equivalency system.

Access to educational opportunities to poor but deserving tertiary level students

To provide wide access to educational opportunities to poor but deserving tertiary level students in quality schools and priority courses programs, the Philippine Government administers and funds the following scholarship programs:

- State Scholarship Program;
- National Integration Study Grant Program;
- Selected Ethnic Group Educational Assistance Program;
- CHED-DND-NPUDC Grant Program for MNLF Officer Integrees;
- OPAPP-CHED Study Grant for Rebel Returnees;
- Private Education Student Financial Assistance Program;
- Study-Now-Pay-Later Plan Program;
- Student Loan Program for the Bicol Region;
- Student Loan Program for Centers of Excellence;
- CHED Scholarship Program for Bright Mindanaoan Muslim;
- Student Scholarship Program in BSED Major in Science and Mathematics for Selected State Colleges and Universities;
- College Faculty Development Program;
- CHED Special Study Grant Program for Congressional Districts;
- College Faculty Development Program;
- Post Baccalaureate Scholarship Program for College Faculty Members from the Underserved Islands Off Luzon;
- CHED-Supported Second Congressional District of Davao Oriental Scholarship Program; and
- UP-CHED Scholarship Program.

For additional information, please refer to the following points 31 and 33 below.

Gender parity and gender equality

13. Please provide details of legislation and government policies and programs directed to improving gender parity and gender equality in education at all levels.

Section 15 of Article II - Declaration of Principles and State Policies of the 1987 Philippine Constitution states:

" Section 15. The State recognizes the role of women in nation - building, and shall ensure the fundamental equality before the law of women and men.

Section 1 of Article III - Bill of Rights also states :

" Section 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

Schooling data for SY 2003-2004 showed that girls have higher participation rates than boys at elementary (82.59 percent vs. 80.88 percent) and high school (51.19 percent vs. 42.97 percent) In terms of completion rate for SY 2003-2004, girls still emerged to be at an advantage over boys at both elementary (66.86 percent vs. 57.76 percent) and secondary (63.7 percent vs. 48.77 percent) levels.

With more females successfully completing high school and generally more predisposed to schooling, higher education is still female-dominated. In SY 2001-2002, females comprised 55 percent of total enrollees. The graduation figures for SY 2000-2001 showed greater disparity as 60 percent of those who graduated were females.

The entry of females into several of the "traditionally" male-dominated disciplines have steadily continued. Female enrollees (SY 2001-2002) in the fields of agriculture, forestry, fishery, veterinary medicine; and mathematics and computer science comprised 50 percent and 54 percent, respectively. The most dramatic increase in female enrollment (79 percent) was in trade, craft and industrial courses. The participation of women in the military and police academy has also increased.

In technical-vocational education and training (TVET), the total number of graduates for SY 2002-2003 indicated an almost equal distribution between females (48 percent) and males (51 percent). The same can be said of total enrollment based on SY 2003-2004 data which showed a 49:50 percent female-male share. However, regional enrollment data suggested uneven degrees of disparity. In the National Capital Region, for example, females outnumber males 14:10 while Region II, the opposite was noted with female-male ratio of 6:10.

Physical accessibility

14. Please describe the main issues regarding geographical location of and physical access to educational institutions for people from urban, rural and remote communities, as well as for people with physical disabilities.

Difficulties in school are the following :

- Geographically the distribution of schools are a problem - planning of most *barangays* (villages) in rural areas are either in discrete *sitios* - or are linear such that schools are not centrally located.
- Difficulties are also observed when military operations in areas of internal armed conflict are rife - not only in *barangays* where armed conflict occurs but also in nearby *barangays* where usually schools are converted into evaluation centers.
- Same observation is made for natural disasters where schools are converted to Evacuation Centers
- Resources also pose great difficulty for children and youth who are also forced to work for family survival.
- As will be described below, programmatic interventions to enable all children and youth to pursue primary education have been pursued by different governmental agencies.

There was an increase in enrolment in secondary schools largely due to the implementation of the Secondary Education and Improvement Project (SEDIP) as well as Project EASE (Effective and Affordable Secondary Education). SEDIP is a seven-year foreign assisted project, jointly funded by Asian Development Bank and the Japan Bank for International Cooperation. The goal of this project is to improve equitable access to quality secondary education in 14 poverty-stricken areas.

Project EASE is an alternative learning system for secondary school students who are enrolled and would want to finish high school but could not attend classes regularly because of their disadvantaged situations. By providing modules, an EASE student can enter into a contract with the school to study at home for a period of time until became ready to return of formal school system. Among the disadvantaged situations include students who: (1) are fully or partially employed; (2) have to leave school for some time because of job opportunities; (3) live in areas inaccessible to regular public transportation; (4) have travel problems because of physical disability; (5) are over-aged and are so uncomfortable with much younger classmates; (6) are married, have children and have to stay at home most of the time; (7) are needed in the farm or at home during planting or harvest seasons; and (8) have personal or family problems that cause them to leave school.

The Multi-Grade and Drop-Out Intervention Program seeks to address the needs of children from poor families and far-flung areas. To increase the participation rate at the secondary level, programs on education contracting and tuition fee supplement were implemented by DepEd , benefiting thousands of high school students.

The Alternative Learning System (ALS) was implemented by DepEd to allow flexible entry of learners in both formal and nonformal/informal streams of basic education and ensure their upward social mobility. The ALS demonstrated the social and economic viability of nonschool-based learning channels.

The Government through the Education Service Contracting (ESC) Scheme and the Tuition Fee Supplement (TFS) has entered into a contract with

the private schools in order to accommodate those who otherwise will not be able to avail of free public secondary education. These two programs are subsumed under the *Government Assistance to Student and Teachers in Private Education* (GASTPE). As of January 15, 1999, the ESC has 374,918 student beneficiaries in 1,122 participating schools, while the TSF has 162,966 grantees in 638 participating schools.

Economic accessibility

Primary education

15. Is primary education compulsory and free for all? Please provide details of relevant legislation and government policies and programs. For example, does your government have a plan of action for making primary education free?

16. Please provide information about any school fees, charges and other costs imposed on parents or guardians for primary education. Please describe the extent of financial assistance available for the completion of primary education.

Section 2, Article XIV of the 1987 Constitution provides, "The State shall establish and maintain a system of free public education in the elementary and high school levels. Without limiting the natural right of parents to rear their children, elementary education is compulsory for all children of school-age."

The Philippine education system, one of the most mature in Asia, can boast of impressive quantitative achievements. Universal access to elementary education was reached as early as the mid-60s.

The Bureau of Elementary Education (BEE) is responsible for providing access and quality elementary education; it focuses on social services for the poor and directs public resources and efforts at socially disadvantaged regions and specific groups.

BUREAU OF ELEMENTARY EDUCATION

<http://www.deped.gov.ph/about_deped/organizationlinks.asp?id=11>

The main thrust of the Bureau of Elementary Education is to provide access, progress and quality in elementary education. It formulates and implements key programs and projects to enable every citizen to acquire basic preparation that will make him an enlightened, disciplined, nationalistic, self-reliant, God loving, creative, versatile and productive member of the national community.

Key Programs and Projects

- **Multigrade Program in Philippine Education (MPPE)**

The program supports the DECS mandate to improve access to and quality elementary education through the opening of complete multigrade classes and completion of incomplete schools in far-flung barangays. It also

provides instructional materials, training, school buildings and introduces community support schemes. MPPE Projects include the following:

- Multigrade Demo Schools Projects (MDSP)
- Pupil Learning Enhancement Program (PLEP)
- Little Red School House Project (LRSP)
- Integrated Curriculum for Multigrade Classes (IC-MG)
- Early Childhood Development Project (ECDP) outlines the broad policy directions to pursue by the State for Filipino children under six year-old. The ECDP is being implemented by the Department of Social Welfare and Development, Department of Health, and DECS. Services are addressed to children under 6 years are delivered in an integrated approach; DOH takes care of health and nutrition concerns of children ages 0 to 6; DSWD takes care of their early education.

- **Preschool Service Contracting Program:** The program is an alternative delivery system to provide preschool education to prospective Grade I enrollees throughout the country through contracting. Preschool classes are organized in the 5th and 6th municipalities and urban poor areas, and are provided preschool experiences for 6 months by private preschool providers.

- **SPED Personnel Enhancement Program:** These are short term summer/semester courses, seminar or training workshops and national conferences done year round primarily aimed to hone the capabilities of regular and SPED teachers, administrators, supervisors and other service providers in addressing the educational needs of gifted and children with disabilities and in managing programs appropriate for them.

- **Resource Materials Development for Children with Special Needs (CSNs):** The development and production of various resource and instructional materials for CSNs include textbooks in braille and in large print, Handbook on Inclusive Education, Reference or Guide Materials for Teachers of Children with Learning Disabilities and Learning Competencies for the Gifted in Grades I-III and Enrichment materials in six learning areas including Computer Education.

- **Early Intervention Program for Children with Disabilities:** This program focuses on the training of SPED teachers and social worker as facilitators to provide parents and other community volunteers with knowledge and skills on educational intervention that should be given to infants, toddlers and preschoolers under age 6 who are disabled or those with developmental delays. The program utilizes the Filipino Adaptation of the Portage Guide to Early Education.

- **Standards for Quality Elementary Education (SQEE):** This project intends to generate competency standards for the workforce in all levels of elementary education. It draws upon the rationale that the improvement of instruction is influenced, to a certain degree, by

setting standards for what the students, as well as other education stakeholders, should know and be able to do

Secondary education

17. Is secondary education compulsory and free for all? Please provide details of relevant legislation and government policies and programs.

18. Please provide information about any school fees, charges and other costs imposed on parents or guardians for secondary education. Please describe the extent of financial assistance available for the completion of secondary education.

As in the case of primary education, secondary education is generally available and accessible to all. Republic Act No. 6655, otherwise known as the *Free Secondary Education Act*, declares it the policy of the State to provide for a free public, secondary education to all qualified students. As such, students enrolled in "secondary course offerings in national high schools, general comprehensive high schools, trade, technical, vocational, fishery and agricultural schools, and in schools established, administered, maintained and funded by local government units, including city, provincial municipal and *barangay* [village] high schools, and those public high schools established by law, shall be free from payment of tuition and other school fees" except "fees related to membership in the school community such as identification cards, student organizations and publications."

There are two types of secondary school according to curricular offerings: the general high school and vocational high school. General high schools offer the four-year general academic secondary curriculum while vocational high schools offer the same secondary curriculum with additional vocational courses. A regional science high school is established in each of the country's regions. Science high schools offer an enriched Science, Mathematics, and English curriculum in addition to requirements of the standard secondary education curriculum.

The Bureau of Secondary Education (BSE) is responsible for providing access and quality secondary education. It is responsible for establishing secondary schools where there are none, and reviews the overall structure of secondary education as regards curriculum, facilities, and teachers' in-service training.

BUREAU OF SECONDARY EDUCATION is composed of three divisions:

<http://www.deped.gov.ph/about_deped/organizationlinks.asp?id=12>

Curriculum Development Division: The CDD coordinates research projects on curriculum innovations which are initiated by the Bureau for implementation in the field.

Staff Development Division: The SDD formulates plans and programs to upgrade the competencies of the teaching and non-teaching staff of secondary schools.

Population Education Unit: The Pop-Ed unit is asked to provide an understanding of population-related matters and issues to enable individuals to make rational and responsible decisions concerning them.

Key Programs

- GASTPE (Government Assistance to Student and Teachers in Private Education): The Government through the Education Service Contracting (ESC) Scheme and the Tuition Fee Supplement (TFS) has entered into a contract with the private schools in order to accommodate those who otherwise will not be able to avail of free public secondary education. As of January 15, 1999, the ESC has 374,918 student beneficiaries in 1,122 participating schools, while the TFS has 162,966 grantees in 638 participating schools.
- CS-PST (Community Service and Public Safety Training): This is a pilot program on community service and public safety training in six (6) tryout schools, both public and private, particularly in CAR, Central Visayas and Southern Mindanao, to further address the need for curriculum relevance.
- TSD-MCP (Thinking Skills Development for Maximized Cognitive Performance): A research and development program which aims to improve high school students' cognitive skills through the purposeful teaching of thinking skills. It was previously tried out in six (6) schools.
- Teacher Training Programs: At the institutional level, efficiency requires the upgrading of teacher competence in order to improve performance, that is, the quality of teaching. Science and technology specialists are being trained on the improvisation and utilization of science and technology equipments. POP-ED Network staff were also trained to enhance their capability in the use of updated software and other communication services.
- Adopt-A-School Program: A school-industry partnership between the private sector and the government in order to provide all the resources the public system needs.
- SIP (Self-Instructional Packages) in SRA (Social Reform Agenda) Provinces: The program provides instructional materials to prevent students from quitting schools due to poverty or illness. It provides them opportunities to make up for missed lessons and complete their high school education.
- BP-OSA (Balik-Paaralan [Back to School] Para Sa [for] Out-Of-School Adults): Age need not be a deterring factor for those who wish to pursue secondary education. The BP-OSA is a novel alternative delivery system that provides out-of-school adults high school education and assistance on entrepreneurial and employable skills for initial job opportunity. There are presently 31 secondary schools all over the country serving almost 1,381 adult learners.
- Project EASE (Effective and Affordable Secondary Education): The project caters for students who cannot attend class regularly due to

personal, economic or financial reasons. It intends to complement the existing formal system to make secondary education more accessible to students in disadvantaged situation. By providing modules, an EASE student can enter into a contract with the school to study at home for a period of time until became ready to return of formal school system.

- **School Based Education:** This is a departure from the conventional external evaluation that is commonly administered to measure the performance of the school in general and the learners in particular. The advantage of the school-based evaluation is that it is initiated, planned and implemented by the principal and the teachers themselves. The program is being tried out in two (2) schools in Region I, but is limited to the area of Mathematics.

- **Indigenization/Localization of the Secondary Education Curriculum:** The project focuses on the relevance of the curriculum to the local culture. It took off with a national workshop on the development of curriculum frameworks and sample lesson plans in eight (8) subject areas.

- **RHGP (Revitalized Homeroom Guidance Program):** A curriculum that

addresses or guides the learner's need in making sound decisions that match his/her aptitude and interests. Presently, the program is now being institutionalized in secondary schools nationwide after a week-long training of program implementors at the division and school levels.

Higher education

19. Please provide information about fees, charges and other costs for higher education. Please describe the extent of financial assistance (if any) available for the completion of higher education.

The delivery of higher education in the Philippines is provided by private and public higher education institutions. Of the 1,605 higher education institutions in the country, 1,431 are private and 174 are public. The average enrolment for the last nine (9) academic years, from School Year 1994-1995 to School Year 2002-2003, is 2,222,395. Based on the country's estimated population of 88 million, those who are attending tertiary level school comprise 2.8% of the population. Since this percentage is much higher than most countries, it would seem that access to higher level education is less of a problem in the Philippines than in other countries. However, numbers alone do not reveal the problem with regard to access to and equity of higher education.

The Commission on Higher Education (CHED) is responsible for formulating and implementing policies, plans and programs for the development and efficient operation of the system of higher education in the country.

The cost of higher education has substantially gone up, especially in the last four (4) decades. The per student cost of university education now ranges from Php5,000.00 to Php90,000.00 per school year. The wide

range is due to the difference in the quality of education available from the different classes of tertiary education.

The tuition fee charged by the different institutions per unit vary greatly. (A course or subject in college is usually two (2) or three (3) units. One course unit is equivalent to 14 to 18 hours of lecture or class contact time.) Some state universities still charge PhP 8.00 per unit while some high quality private universities PhP1,000.00.00 per unit. The University of the Philippines (UP) charges PhP300.00 per unit. This is augmented with government subsidy, to enable UP, which is the premier state university, to provide quality education.

The problem of cost of tertiary education is addressed to some extent by the state universities and colleges. There are 111 State Universities and Colleges (SUCs), 47 Local Universities and Colleges (LUCs), one (1) CHED Supervised Higher Education Institutions (CSIs), five (5) Special Higher Education Institutions (SHEIs), and 10 Other Government Schools (OGS), making a total of 174 public tertiary level institutions as of 2005. Comparatively, there are 1,431 privately-run colleges and universities which are totally dependent on tuition fees for support.

SUCs are chartered public higher education institutions established by law, administered and financially subsidized by the government. LUCs are those established by the local government through resolutions or ordinance. They are financially supported by the local government concerned. CSIs are non-chartered public post-secondary education institutions established by law, administered, supervised and financially supported by the government. OGS are public secondary and post-secondary education institutions usually a technical-vocational education institution that offer higher education programs. SHEIs are directly under the government agency stipulated in the law that created them. They provide specialized training in areas such as military science and national defense.

The SUCs have their own charters. The board of regents for state universities and a board of trustees for state colleges maintain the formulation and approval of policies, rules and standards in public institutions. The Chairman of the CHED heads these boards. However, CHED Order No. 31 series of 2001 of the Commission *en banc* has also authorized the CHED Commissioners to head the board of trustees or board of regents of SUCs. Implementation of policies and management are vested on the president, staff, and support units of the public higher education institutions.

Besides easing the cost of getting education at the tertiary level, government-supported institutions provide wider access because they are able to reach out to students who are in the rural areas. Some of these institutions are located in remote underserved areas. However, their location precludes the probability of their getting very good faculty and facilities, hence these institutions cannot offer very high quality of education.

As for private-run colleges and universities, these institutions are established under the Corporation Code and are governed by special laws. Non-sectarian schools are duly incorporated, owned and operated by private entities that are not affiliated to any religious

organization while sectarian universities and colleges are usually non-stock, non profit, duly incorporated, owned and operated by a religious organization.

Generally, private higher education institutions are covered by the policies and standards set by CHED in terms of course offerings, curriculum, and administration and faculty academic qualifications, among others. The heads of private higher education institutions usually manage the internal organization of private higher education institutions and implement the policies and standards formulated by the CHED.

A number of private higher education institutions are granted autonomy or deregulated status in recognition of their committed service through quality education, research, and extension work. (CHED Memorandum Order No. 32, series of 2001, entitled "Grant of Autonomy and Deregulated Status to Selected Higher Education Institutions with Benefits Accruing Thereto")

Private Higher Education Institutions
<<http://www.ched.gov.ph/hes/index.html>>

Private higher education institutions are established under the Corporation Code and are governed by special laws and general provisions of this Code. Those under non-sectarian are duly incorporated, owned and operated by private entities that are not affiliated to any religious organization while those under sectarian are usually non-stock, non profit, duly incorporated, owned and operated by a religious organization.

Generally, private higher education institutions are covered by the policies and standards set by the Commission on Higher Education in terms of course offerings, curriculum, and administration and faculty academic qualifications, among others. The heads of private higher education institutions usually manage the internal organization of private higher education institutions and implement the policies and standards formulated by the CHED.

A number of private higher education institutions are granted autonomy or deregulated status in recognition of their committed service through quality education, research, and extension work. [CMO. 32. S. 2001](#) (Grant of Autonomy and Deregulated Status to Selected Higher Education Institutions with Benefits Accruing Thereto)

Public Higher Education Institutions
<<http://www.ched.gov.ph/hes/index.html>>

The State Universities and Colleges (SUCs) are chartered public higher education institutions established by law, administered and financially subsidized by the government. The Local Colleges and Universities (LCUs) are those established by the local government through resolutions or ordinance. They are financially supported by the local government concerned. The CHED Supervised Higher Education Institutions (CSIs) are non-chartered public post-secondary education institutions established by law, administered, supervised and financially supported by the government. Other Government Schools (OGS) are public secondary

and post-secondary education institutions usually a technical-vocational education institution that offer higher education programs. Special HEIs are directly under the government agency stipulated in the law that created them. They provide specialized training in areas such as military science and national defense.

The SUCs have their own charters. The board of regents for state universities and a board of trustees for state colleges maintain the formulation and approval of policies, rules and standards in public institutions. The Chairman of the CHED heads these boards. However, CHED Order No. 31 series of 2001 of the Commission en banc has also authorized the CHED Commissioners to head the board of trustees or board of regents of SUCs. Implementation of policies and management are vested on the president, staff, and support units of the public higher education institutions.

Non-formal education

20. Please provide information about access to non-formal education in your country.

Issues for consideration include (but are not restricted to):

- The existence of and support for Community Learning Centres
- The legal and policy framework for the improvement of literacy for women.

Please refer to point 33 on Women and point on non formal education through TESDA on point.

Acceptability

The form and substance of education, including curricula and teaching methods, have to be acceptable (eg – relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents.
(CESCR General Comment No. 13)

Quality education and minimum standards

21. Please identify the relevant national and/or local institutions which are responsible for the implementation of the right to education. In particular, are there any specialised agencies, authorities or officials that have a mandate on the right to education?

All relevant national institutions have been mentioned *in passim* and described in this document, these include the following institutions: Council for the Welfare of Children for Early Childhood Education policies, the Department of Education for Elementary and Secondary levels of Education and the Commission on Higher Education for Tertiary Education. For non-formal education, the primary institution is the Technical Education and Skills Development Authority TESDA and other governmental institutions have programs on non-formal education the Department of Social Welfare and Development.

22. Please provide information about measures adopted by education authorities to provide quality education and to establish minimum education standards and an effective and transparent system for monitoring standards.

23. Please describe the indicators (including human-rights-based indicators) used by education authorities to monitor the realisation of the right to education in your country.

Statistics on Education

Literacy rate

Based on the 2003 Functional Literacy Education and Mass Media Survey (FLEMMS), the Philippines' basic or simple literacy rate stood at 93.9 percent. There was a significant difference between male (93.2 percent) and female (94.6 percent literacy). Compared to 1994 data, the females had a 0.6 percentage point improvement in simple literacy while males had 0.5 percentage decrease.

Across regions, the NCR posted the highest literacy rate at 99.1 percent while ARMM registered the lowest with 70.7 percent. Other regions with higher literacy rate than the national level were Region I (Ilocos Region) with 97.1 percent, Region V (Bicol Region) with 95.5 percent. (See Table 4). In terms of functional literacy, the rate improved from 83.8 percent in 1994 to 85.1 in 2003. (See Table 5.)

Statistics for elementary education

At present, there are more than 48,000 public primary schools in the country, all of which are providing education free of charge.

Enrolment in public and private elementary schools reached 13 million in School Year 2003-2004 representing an increase of 1.6 percent from the SY 2000-2001 level of 12.8 million. Based on school-age population of 6-11 years old, the participation rate at the primary or elementary level stood at 90 percent in SY 2002-2003. The most recent data on participation rate suggest that there is a need for greater effort to achieve the target of universal access to elementary education. Across regions, the Autonomous Region of Muslim Mindanao (ARMM) registered the highest participation rate with 91 percent while the lowest was registered in the National Capital Region with 77 percent. (See Tables 1 and 2)

Schooling data for SY 2003-2004 showed that girls have higher participation rates than boys at elementary (82.59 percent vs. 80.88 percent) and high school (51.19 percent vs. 42.97 percent) levels.¹ Disparity is generally minimal across regions at the elementary level except in the Autonomous Region of Muslim Mindanao (ARMM) which posted a gender parity index (GPI)² of 1.10 (93.91 percent: 84.85 percent). Larger ratio discrepancies were posted in the secondary level with GPIs ranging from 1.08 (58.02 percent:53.8 percent) in the National Capital

¹All education data cited in this Report cover only public schools.

²Gender Parity Index is the ratio of female to male values of an indicator. A GPI of 1.0 indicates gender parity (equality). A GPI greater than 1.0 indicates a gender disparity in favor of females (i.e., there is a higher proportion of females than males in school).

Region to 1.34 percent (48.99 percent: 36.66 percent) in Eastern Visayas.

Enrolment figures from Grade 1 (SY 2003-2004) likewise indicated that there were more girls (45.38 percent) who started school than boys (41.9 percent).

Cohort survival rate (CSR) at elementary level showed continuing improvement from 67.21 percent in SY 2000-2001 to 69.84 percent in SY 2002-2003. In the same period, completion rate showed slight improvement from 66.13 percent to 66.85 percent. Conversely, dropout rate for elementary slightly declined from 7.67 percent in SY 2000-2001 to 7.34 percent in SY 2002-2003.

Though ARMM (Autonomous Region of Muslim Mindanao) registered a high participation rate, it posted the lowest cohort survival rate and completion rate of 47 percent and 42 percent, respectively. On the other hand, Region I (Ilocos Region) posted the highest cohort survival rate and completion rates of 88 percent and 84 percent, respectively. The highest dropout rate was registered in Region VII (Central Visayas) with 3.03 percent. (See Table 3)

Data for SY 2003-2004 show that in terms of completion rate, girls still emerged to be at an advantage over boys at both elementary (66.86 percent vs. 57.76 percent) and secondary (63.7 percent vs. 48.77 percent) levels.

The results of the 2002 Annual Poverty Indicators Survey (APIS) also offered useful insights. Schooling status data showed more females attending school than males (72 percent vs. 66 percent) - a trend consistent in both urban and rural areas. For males, the most frequently cited reasons for not attending school were employment concerns (30 percent), lack of personal interest (25 percent), and the high cost of education (23 percent). Employment-related concerns (22 percent) also turned out to be the primary deterrent among females in attending school followed by the high cost of education (21 percent) and housekeeping responsibilities (16 percent).

Statistics for Secondary Education

For SY 2003-2004, there were 8,901 public and private secondary schools in the country. Enrolment in public and private secondary schools reached 6.2 million in the same year compared representing an increase of 7.3 percent from the SY 2000-2001 level of 5.8 million. Based on school-age population of 13-16 years old, the participation rate at the secondary level stood at 64 percent in SY 2002-2003.

Cohort survival rate (CSR), using EFA (Education for All) formula, declined from 71.68 percent in SY 2000-2001 to 73.16 percent in SY 2001-2002. In the same period, completion rate also declined from 70.62 percent to 59.79 percent. Conversely, dropout rate increased from 8.50 percent in SY 2000-2001 to 13.10 percent in SY 2002-2003.

Statistics for Higher Education

As stated above, the average enrolment for the last nine (9) academic years, from School Year 1994-1995 to School Year 2002-2003, is 2,222,395. (See Table 2). Based on the country's estimated population of 88 million, those who are attending tertiary level school comprise 2.8% of the population.

The variety of undergraduate and graduate programs being offered by the higher education institutions in the country can be classified into ten (10) clusters of disciplines or fields of study: (i) Agriculture Education; (ii) Business and Management Education; (iii) Engineering and Architecture; (iv) Health Profession Education; (v) Humanities, Social Sciences and Communication; (vi) Information Technology; (vii) Legal Education; (viii) Maritime Education; (ix) Science and Mathematics; and (x) Teacher Education.

Enrolment is high in business administration and related fields, teacher education, engineering courses, and information technology courses. At present, the nursing program is becoming increasingly attractive to students in view of the perceived high demand abroad.

The present over-all cohort survival rate ranges from 20 to 22 percent from first year to fourth year college. The cohort survival in private schools is much lower than in the government or state schools.

Available Data / Existing Indicators on Education are provided as follows: < <http://www.deped.gov.ph/factsandfigures/factslinks.asp?id=9>>

Department of Education Data

**BASIC EDUCATION INFORMATION SYSTEM
INDICATORS IN PUBLIC ELEMENTARY AND SECONDARY EDUCATION
SY 2003-2004**

**TOTAL
PHILIPPINES**

INDICATORS	ELEMENTARY			SECONDARY		
	Total (MF)	Male (M)	Female (F)	Total (MF)	Male (M)	Female (F)
GER in ECCD	10.09%	9.80%	10.38%			
% of Gr.1 w/ ECD Exp.	53.60%	52.79%	54.53%			
App. Intake Rate (AIR)	121.55%	126.97%	115.85%			
Net Intake Rate (NIR)	43.88%	41.88%	45.99%			
Gross Enro Ratio (GER)	98.25%	99.07%	97.40%	67.33%	64.34%	70.38%
Net Enro Ratio (NER)	81.72%	80.88%	82.59%	47.03%	42.97%	51.19%
CSR (Grade VI / Year IV)	63.57%	59.50%	68.13%	60.41%	53.42%	67.68%
Completion Rate	62.06%	57.76%	66.86%	56.07%	48.77%	63.70%
Coefficient of	78.41%	74.83%	82.19%	69.95%	63.60%	76.08%

Efficiency						
Years Input Per Graduate	7.65	8.02	7.30	5.72	6.29	5.26
Graduation Rate	97.16%	96.41%	97.88%	91.77%	89.71%	93.57%
Ave. Promotion Rate	94.53%	93.28%	95.86%	85.61%	80.58%	90.45%
Ave. Repetition Rate	2.35%	3.04%	1.62%	2.40%	3.70%	1.14%
Ave. School Leaver Rate	9.08%	10.33%	7.73%	15.50%	18.80%	12.23%
Transition Rate	96.82%	95.80%	97.86%	90.68%	93.69%	87.81%
Ave. Failure Rate	4.09%	4.98%	3.15%	8.00%	10.72%	5.37%
Retention Rate	92.72%	91.25%	94.31%	87.16%	83.40%	90.86%
Ave. Dropout Rate	1.37%	1.74%	0.99%	6.40%	8.70%	4.18%

Source: BEIS Data-Performance Indicators, SY 2003-2004 Prepared by: RSD-OPS (1/20/2006)

Please also refer to point 35 on Facts and statistics on Special Education.

24. Please provide details of legislation and government policies, practices and programs which may impact upon academic freedom and the autonomy of educational institutions.

Please refer to points 2 and 3 on the cases which pertain to academic freedom.

Discipline

25. Please provide information about the legal status of corporal punishment and other forms of discipline that operate within the education system in your country.

Republic Act No. 7610 or the Special Protection Act for Filipino Children specifically provides for the prohibition of all forms of child abuse.

Curriculum

26. Please provide an overview of how education authorities determine curriculum development at all levels of education within your country.

27. To what extent is human rights education incorporated into the curriculum of primary, secondary and higher education?

Human Rights Education is incorporated in Elementary and Secondary Levels as part of Values Education. In higher education, it is offered

as an elective course usually intergrated in public administration and social science courses.

Parents / Legal Guardians

28. Please describe the extent to which parents and legal guardians are able to exercise freedom of choice with regards to educational institutions and educational programs.

Under Presidential Decree No. 603 or the Child and Youth Welfare Act, Parents are recognized to have a prior right in the choice of educational institutions and programs as well as religious upbringing.

Article 12, 13,14, 15 and 16 thereof states :

" Article 12. **Education.** - The schools and other entities engaged in non-formal education shall assist the parents in providing the best education for the child.

Article 13. **Social and Emotional Growth.**- Steps shall be taken to insure the child's healthy social and emotional growth. These shall be undertaken by the home in collaboration with the schools and other agencies engaged in the promotion of child welfare.

Article 14. **Morality.**- High moral principles should be installed in the child, particularly in the home, school, and the church to which he belongs.

Article 15. **Spiritual Values.**- The promotion of the child's spiritual well-being according to the precepts of his religion should, as much as possible, be encouraged by the State.

Article 16. **Civic Conscience.**- The civic conscience of the child shall not be overlooked. He shall be brought up in an atmosphere of universal understanding, tolerance, friendship, and helpfulness and full consciousness of his responsibilities as a member of society."

Also under Title III.- Child and Youth Welfare Education, Chapter 2.- The Home and School, Article 77 thereof states :

" Art.77.- **Parent-Teacher Associations.** - Every elementary and secondary school shall organize a parent-teacher association for the purpose of providing a forum for the discussion of problems and their solutions, relating to the total school programs, and for insuring full cooperation of parents in the efficient implementation of such of such program. All parents who have children enrolled in a school are encouraged to be active members of its PTA, and to comply with whatever obligations and responsibilities such membership entails.

Parent-Teacher associations all over the country shall aid the municipal and other local authorities and school officials in the enforcement of juvenile delinquency control measures, and in the implementation of programs and activities to promote child welfare.

Religious and cultural practices, languages of minority groups

29. Please provide details of relevant legislation and government policies and programs regarding respect for religious and cultural practices and the use of languages of minority groups within schools and other educational institutions.

Please see points 2 and 3 on the cases involving the right to religion.

Adaptability

Education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings. (CESCR General Comment No. 13)

Education and work

30. Please provide details of legislation which prescribes the age for the completion of compulsory education and the minimum age of employment in your country.

Under Republic Act 7658 An Act Prohibiting the Employment of Children Below 15 years of Age in Public and Private Underakings. Amending for this purpose Section 12, Article VIII of R.A. 7610, section 1 thereof states :

" Section 1. Section 12, Article VIII of R.A. no. 7610 otherwise known as the Special Protection of Children Against Child Abuse. Exploitation and Discrimination Act" is hereby amended to read as follows :

*Section 12. **EMPLOYMENT OF CHILDREN**- Children below fifteen (15) years of age shall not be employed except :*

- 1) when a child works directly under the sole responsibility of his parents or legal guardian and where only members of the employer's family are employed: Provide, however, that his employment neither endangers his life, safety, health and morals, nor impairs his normal development: Provided further, that the parent or legal guardian shall provide the said minor child with the prescribed primary and/secondary education; or*
- 2) Where a child's employment or participation in public entertainment or information through cinema, theater, radio or television is essential: Provided, the employment contract is concluded by the child's parents or legal guardian, with the express agreement of the child concerned, if possible, and the approval of the Department of Labor and Employment; and Provided, that the following requirements in all instances are strictly complied with:*
 - (a) The employer shall ensure the protection, health, safety, morals and normal development of the child;*
 - (b) The employer shall institute measures to prevent the child's exploitation or discrimination taking into account the system and level of remuneration, and the duration and arrangement of working time; and*
 - (c) The employer shall formulate and implement, subject to the approval and supervision of competent authorities, a*

continuing program for training and skills acquisition of the child

In the above exceptional cases where any such child may be employed, the employer shall first secure, before engaging such child, a work permit from the Department of Labor and Employment which shall ensure observance of the above requirements.

The Department of Labor and Employment shall promulgate rules and regulations necessary for the effective implementation of this Section."

31. Please provide an overview of the strategies, policies and programs of governments and education institutions which enable the education system in your country to adapt to the education needs of those people who would otherwise not be able to undertake education. For example: working children and young people; children and young people in juvenile detention; working women; prisoners and other people in detention.

Working Children

With the passage of Republic Act No. 6655 (1998) providing for free secondary education and advocacy and mobilization efforts aimed at curtailing child labor, the number of this group of workers dropped incessantly from 932,000 in 1996 to 831,000 in 1998.

Children of Poor families

The Special Program For Students or SPES is a joint undertaking of the Department of Labor and Employment, Department of Education and the Department of Finance. The objective of SPES is to develop the intellectual capacities of children of poor families and harness their potentials for the country geared towards industrialization for the Philippines 2000. Specifically, the program aims to help poor but deserving students pursue their education by encouraging their employment during summer and/or Christmas vacations and providing income to finance/augment/subsidize their studies.

Special Program for Persons with Disabilities (PWDs)

TULAY program (Tulong Alalay sa Taong May Kapansanan [Assistance Program for PWDs]) is a special program for persons with disabilities (PWDs). TULAY is a program of the Bureau of Local Employment under RA 7277 and Proclamation No. 125 which apply the provisions of ILO Convention 159 (1983), Vocational Rehabilitation and Employment (Disabled Persons).

The first approach is human resource and manpower development. As the State is mandated to promote and maintain full and productive employment through improved training, allocation and utilization of manpower resources in order to have a pool of trained workers who can be readily employed locally or overseas. The main legal instrument in attaining this broad objective is Republic Act No. 7796 [1994],

creating the Technical Education and Skills Development Authority (TESDA). The TESDA law amended Articles 45 to 56 of the Labor Code and replaced the National Manpower and Youth Council that was referred to in the government's First Report.

Section 2 of the law lays down the State policy to provide relevant, accessible, high-quality and efficient technical education and skills development in support of the development of high-quality Filipino middle-level manpower responsive to and in accordance with Philippine development goals and priorities. Part of the policy is to encourage active participation of the private sector and various concerned sectors in providing technical education and skills development opportunities. Private enterprises are specifically encouraged to participate, being the direct and immediate beneficiaries of a trained and skilled workforce.

Section 7 of the law creates a TESDA Board that is responsible for formulating, continuing, and coordinating a fully integrated technical education and skills development program. Participation of representatives of industry groups, trade associations, employers, workers and government is institutionalized through the TESDA Board.

Section 27 of the law provides for appropriate incentive schemes, including tax incentives, to encourage government and private entities to implement high quality technical education and skills development opportunities.

Complementing the TESDA law is Republic Act No. 7686 [1994], which adopts the Dual Training System in technical and vocational education. The system institutionalizes the partnership between the private sector, industry and training institutions in respect to the development of skilled manpower.

Two of the most important performance indicators of TESDA are technical education and vocational training, and skills standards and certification. For CY 2003, TVET graduated in both the public and private institutions overshoot the one million targets. In the same year, the number of assessed graduates and workers was placed at 232,823 while 109,443 were certified.

For state workers, HRD interventions include scholarship programs for academic and certificate courses and short-term skills enhancement programs, behavioral and value development programs, as well as distance learning. The Civil Service Commission grants one-year scholarships to state employees on no-work-full pay status toward completion of a baccalaureate degree or a masters degree in public administration. Between 1994 and 2000, 4,300 employees have been granted scholarships for master's degree; 586 for bachelor's degree completion and over 6,000 for skills upgrading. Overall more than 300,000 state workers at different levels were provided training opportunities in 2000 under CSC-administered programs.

The Department of Education, Culture and Sports implemented the National Computer Literacy Programs for teachers, administrators and support staff under the modernization program for teachers.

Education for women

32. Please provide details of legislation which impacts upon the right to education of women. Issues for consideration could include (but are not restricted to):

- The minimum age of marriage
- Pregnancy

The minimum age of marriage is 18 years. Quote Civil Code provision.

No particular legislation on acceptable/minimum age of pregnancy. However, there have been reports of private schools' (usually roman catholic) silent policy on expelling girls who get pregnant or at the very least are required to take a leave of absence during the term of pregnancy.

33. Please provide an overview of the strategies, policies and programs of governments and education institutions which enable the education system in your country to adapt to the education needs of women.

The Department of Social Welfare and Development (DSWD) has an ongoing project called the Productivity Skills Capability Building (PCSB) for Disadvantaged Women. It provides skills training in sewing, rattan and toy crafts, food processing and preservation, ceramics, loom weaving, and home aide service. It also provides opportunity for women to improve their understanding and practice of maternal and personal care, self-enhancement, community participation, and livelihood as well as social communication skills development. From 1995 to 1999, a total of 164,821 disadvantaged women were served nationwide. Of the women graduates, a total of 115,374 were absorbed in the labor force either through self or open employment, sheltered workshop/community manufacturing or sub-contract jobs.

The Women's Business Council of the Philippines, sponsored entrepreneurial development courses for differently-abled women and Business Improvement and Survival Courses to develop entrepreneurial awareness and skills among women participants. One of the positive gains noted in providing productivity skills and capability-building programs is that training graduates were found to be more assertive and self-confident, more active in community activities, had improved decision-making capabilities and more aware of their rights as women and entrepreneurs.

The TESDA Women's Center was established in 1998 to contribute to the improvement of the socio-economic status of women through training, research and advocacy in collaboration with public and private organizations and institutions in Asia-Pacific Region. It implements technology-based training and empowerment/social skills training that cater to the urban poor women, women from the rural areas, women youth, returning women migrant workers, wives of overseas workers/seamen, and women displaced workers.

The technology-based training has the following levels: pre-employment training (4-6 months); skills upgrading (1-2 months); comprehensive trainers training (18 months); and training methodology (80 hours). This training program covers both the traditional (food processing, crafts-gifts and housewares, garments, and hotel and restaurant

management and non-traditional (automotive, ceramics, electronics, jewelry, and metals/welding) courses. Since its establishment in 1998, the TWC has produced 1,569 graduates in pre-employment skills training. The empowerment/social skills training include entrepreneurship development, gender sensitivity, leadership, work ethics and values development, cooperative development, community organizing, and advocacy and social marketing.

Special Needs Education

34. Please provide information about any special needs education policies and programs that have been developed and implemented by government and non-governmental organisations in your country.

35. To what extent are schools able to adapt to the special education needs of individual students?

Special Needs Education is the task of the Bureau of Elementary Education - Special Education Division:
<<http://www.deped.gov.ph/quicklinks/quicklinks2.asp?id=34>>

The Special Education Division formulates policies, plans and programs for the preparation of instructional materials, and evaluation of programs in special education; Conducts studies and develops standards of programs and services for special learners; Plans for prototype in-service education programs to upgrade the competencies of administrators, supervisors, coordinators, teachers as well as the non-teaching special education personnel; and Establishes/strengthens linkages with agencies concerned with the education and welfare of children with special needs.

The Philippine Printing House for the Blind (PPHB) is an attached office of the SPED Division. It is tasked to produce braille books and other education materials; Produce Braille printing materials; and Distribute Braille books and supplies to regions/divisions/ schools with programs for the visually impaired children and youth.

Facts(as of SY 2004-2005)

*156,270	children with special needs are enrolled in schools
- 77,152	are mentally gifted/fast learners (G/FL)
- 79,118	are children with disabilities
	- 40,260 learning disabled (LD)
	- 11,597 hearing impaired (HI)
	- 2,670 visually impaired (VI)
	- 12,456 mentally retarded (MR)
	- 5,112 behavior problem (BP)
	- 760 orthopedically handicapped (OH)
	- 5,172 autistic children (Au)
	- 912 speech defectives (SD)
	- 142 chronically ill (CI)
	- 32 children with cerebral palsy (CP)
*2,149	schools offering SPED programs

- 4 national special schools
- 450 private special schools
- 151 recognized Special Education Centers
- 1,544 regular schools with SPED programs
- 4,034 Special Classes

Statistical Info (2005-2006)

<<http://www.deped.gov.ph/quicklinks/quicklinks2.asp?id=34>>

- [Percentage of Children with Special Needs Served and Unserved in Schools](#)
- [Universal Estimate of Children with Special Needs](#)
- [Enrollment Trend: Children with Special Needs](#)
- [Enrollment of Children with Special Needs by Type of Disability \(Elementary&Secondary\)](#)
- [Number of Mainstream Children with Special Needs \(Elementary & Secondary\)](#)
- [Consolidated Number of Centers, Schools, Teacher and Classes per Region](#)
- [Summer Training Program for Teachers of the Mentally Retarded](#)
- [Summer Training Program for Teachers of the Hearing Impaired](#)
- [Mobile Training for Teachers of the Deaf as Sign Language Interpreters](#)
- [SPED Personnel Enhancement Program for Inclusive Education](#)

Policy Issuances of the Department of Education

- [DECS Order No. 14, s. 1993 - Regional Special Education Council](#)
- [DECS Order No. 1, s. 1997 - Organization of A Regional SPED Unit and Designation of Regional Supervisor in-charge of Special Education](#)
- [DECS Order No. 26, s. 1997 - Institutionalizing of SPED Programs in All Schools](#)
- [DECS Order No. 5, s. 1998 - Reclassification of Regular Teacher and Principal Items to Special Education Teacher and Special School Principal Items](#)
- [DECS Order No. 11, s. 2000 - Recognized Special Education \(SPED\) Centers in the Philippines](#)

NOTE on References: Unless otherwise stated, most of the responses are taken from the websites of the Department of Education, Commission on Higher Education, and the Draft report on the Implementation of the International Covenant on Economic, Social and Cultural Rights as collated by the Department of Foreign Affairs UNIO.

ANNEX A: Historical Perspective of the Education in the Philippines

Historical Perspective of the Philippine Educational System is taken from the Department of Education's website: http://www.deped.gov.ph/about_deped/history.asp

Education in the Philippines has undergone several stages of development from the pre-Spanish times to the present. In meeting the needs of the society, education serves as focus of emphases/priorities of the leadership at certain periods/epochs in our national struggle as a race.

As early as in pre-Magellanic times, education was informal, unstructured, and devoid of methods. Children were provided more vocational training and less academics (3 Rs) by their parents and in the houses of tribal tutors.

The pre-Spanish system of education underwent major changes during the Spanish colonization. The tribal tutors were replaced by the Spanish Missionaries. Education was religion-oriented. It was for the elite, especially in the early years of Spanish colonization. Access to education by the Filipinos was later liberalized through the enactment of the Educational Decree of 1863 which provided for the establishment of at least one primary school for boys and girls in each town under the responsibility of the municipal government; and the establishment of a normal school for male teachers under the supervision of the Jesuits. Primary instruction was free and the teaching of Spanish was compulsory. Education during that period was inadequate, suppressed, and controlled.

The defeat of Spain by American forces paved the way for Aguinaldo's Republic under a Revolutionary Government. The schools maintained by Spain for more than three centuries were closed for the time being but were reopened on August 29, 1898 by the Secretary of Interior. The Burgos Institute in Malolos, the Military Academy of Malolos, and the Literary University of the Philippines were established. A system of free and compulsory elementary education was established by the Malolos Constitution.

An adequate secularized and free public school system during the first decade of American rule was established upon the recommendation of the Schurman Commission. Free primary instruction that trained the people for the duties of citizenship and avocation was enforced by the Taft Commission per instructions of President McKinley. Chaplains and non-commissioned officers were assigned to teach using English as the medium of instruction.

A highly centralized public school system was installed in 1901 by the Philippine Commission by virtue of Act No. 74. The implementation of this Act created a heavy shortage of teachers so the Philippine Commission authorized the Secretary of Public Instruction to bring to the Philippines 600 teachers from the U.S.A. They were the Thomasites.

YEAR	OFFICIAL NAME OF DECS	OFFICIAL TITULAR HEAD	LEGAL BASES
1863	Superior Commission of Primary Instruction	Chairman	Educational Decree of 1863
1901-1916	Department of Public Instruction	General Superintendent	Act. No. 74 of the Philippine Commission, Jan. 21, 1901
1916-1942	Department of Public Instruction	Secretary	Organic Act Law of 1916 (Jones Law)

1942-1944	Department of Education, Health and Public Welfare	Commissioner	Renamed by the Japanese Executive Commission, June 11, 1942
1944	Department of Education, Health and Public Welfare	Minister	Renamed by Japanese Sponsored Philippine Republic
1944	Department of Public Instruction	Secretary	Renamed by Japanese Sponsored Philippine Republic
1945-1946	Department of Public Instruction and Information	Secretary	Renamed by the Commonwealth Government
1946-1947	Department of Instruction	Secretary	Renamed by the Commonwealth Government
1947-1975	Department of Education	Secretary	E.O. No. 94 October 1947 (Reorganization Act of 1947)
1975-1978	Department of Education and Culture	Secretary	Proc. No. 1081, September 24, 1972
1978-1984	Ministry of Education and Culture	Minister	P.D. No. 1397, June 2, 1978
1984-1986	Ministry of Education, Culture and Sports	Minister	Education Act of 1982
1987-1994	Department of Education, Culture and Sports	Secretary	E.O. No. 117. January 30, 1987
1994-2001	Department of Education, Culture and Sports	Secretary	RA 7722 and RA 7796, 1994 Trifocalization of Education Management
2001 - present	Department of Education	Secretary	RA 9155, August 2001 (Governance of Basic Education Act)

The high school system supported by provincial governments, special educational institutions, school of arts and trades, an agricultural school, and commerce and marine institutes were established in 1902 by the Philippine Commission. In 1908, the Philippine Legislature approved Act No. 1870 which created the University of the Philippines.

The Reorganization Act of 1916 provided the Filipinization of all department secretaries except the Secretary of Public Instruction.

Japanese educational policies were embodied in Military Order No. 2 in 1942. The Philippine Executive Commission established the Commission of Education, Health and Public Welfare and schools were reopened in June 1942. On October 14, 1943, the Japanese - sponsored Republic created the Ministry of Education. Under the Japanese regime, the teaching of Tagalog, Philippine History, and Character Education was reserved for Filipinos. Love for work and dignity of labor was emphasized. On February 27, 1945, the Department of Instruction was

made part of the Department of Public Instruction.

In 1947, by virtue of Executive Order No. 94, the Department of Instruction was changed to Department of Education. During this period, the regulation and supervision of public and private schools belonged to the Bureau of Public and Private Schools.

In 1972, it became the Department of Education and Culture by virtue of Proclamation 1081 and the Ministry of Education and Culture in 1978 y virtue of P.D. No. 1397. Thirteen regional offices were created and major organizational changes were implemented in the educational system.

The Education Act of 1982 created the Ministry of Education, Culture and Sports which later became the Department of Education, Culture and Sports in 1987 by virtue of Executive Order No. 117. The structure of DECS as embodied in EO No. 117 has practically remained unchanged until 1994 when the Commission on Higher Education (CHED), and 1995 when the Technical Education and Skills Development Authority (TESDA) were established to supervise tertiary degree programs and non-degree technical-vocational programs, respectively.

The Congressional Commission on Education (EDCOM) report provided the impetus for Congress to pass RA 7722 and RA 7796 in 1994 creating the Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA), respectively.

The trifocal education system refocused DECS' mandate to basic education which covers elementary, secondary and nonformal education, including culture and sports. TESDA now administers the post-secondary, middle-level manpower training and development while CHED is responsible for higher education.

In August 2001, Republic Act 9155, otherwise called the Governance of Basic Education Act, was passed transforming the name of the Department of Education, Culture and Sports (DECS) to the Department of Education (DepEd) and redefining the role of field offices (regional offices, division offices, district offices and schools). RA 9155 provides the overall framework for (i) school head empowerment by strengthening their leadership roles and (ii) school-based management within the context of transparency and local accountability. The goal of basic education is to provide the school age population and young adults with skills, knowledge, and values to become caring, self-reliant, productive and patriotic citizens.