



HOUSE OF REPRESENTATIVES

H. No. 4883

BY REPRESENTATIVES VILLAR, RODRIGUEZ (R.), RODRIGUEZ (M.), ANGARA, TEODORO, VILLAFUERTE, SAMBAR, CERILLES, ZAMORA-APSAY, APACIBLE, CASTRO, EJERCITO, ESCUDERO, LAGDAMEO (M.), LIMKAICHONG, SARMIENTO (M.) AND TREÑAS, PER COMMITTEE REPORT NO. 1247

AN ACT TO EXPAND ACCESS TO EDUCATION THROUGH OPEN LEARNING AND DISTANCE EDUCATION IN POST-SECONDARY AND TERTIARY LEVELS OF EDUCATION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Open
2 Learning and Distance Education Act of 2011”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the
4 State to expand and further democratize access to quality education at the
5 post-secondary and tertiary levels through the promotion and application of
6 open learning as a philosophy of access to educational services, and the
7 appropriate, efficient and effective implementation of distance education as a
8 system of delivering quality post-secondary and tertiary educational services in
9 the country.

1 SEC. 3. *Coverage.* – This Act shall apply to public and private higher
2 education institutions (HEIs) and post-secondary technical/vocational schools
3 in the Philippines which have existing open learning and distance education
4 programs, and to other tertiary and technical/vocational institutions which shall
5 later be authorized as qualified implementors of open learning and distance
6 education programs.

7 SEC. 4. *Definition of Terms.* – For purposes of this Act, the following
8 terms are hereby defined:

9 (a) *Open Learning* refers to a philosophy of learning that is
10 quality-assured, open to people, methods, places and ideas, and is highly
11 flexible and learner-centered, enabling the latter to learn at the time, place and
12 pace which satisfy the person's circumstances and requirements.

13 (b) *Distance Education* refers to a mode of educational delivery
14 whereby the teacher and learner are separated in time and space, and the
15 instruction is delivered through especially designed materials and methods
16 using appropriate technologies and learning management systems and
17 supported by organizational and administrative structures and arrangements. It
18 enables learning to take place from a distance, virtually and differently from
19 the conventional classroom or traditional mode.

20 (c) *Open University/College/Institution* refers to a higher education
21 institution that is a separate, autonomous, and degree-granting academic entity
22 which employs operational procedures and strategies of an open learning
23 institution.

24 (d) *Center/Institute/School of Distance Education* refers to a subsidiary
25 of a higher education institution (HEI) which offers distance education
26 programs, but is not qualified to be called an Open University, and whose
27 degrees are awarded by the HEI.

1 (e) *Higher Education Institution (HEI)* refers to an institution of higher
2 learning in the Philippines which primarily offers degree-granting programs,
3 including post-secondary degree granting vocational and technical institution
4 duly recognized by the Commission on Higher Education (CHED) and the
5 Technical Education and Skills Development Authority (TESDA).

6 (f) *Tertiary Education* refers to the higher learning level after high
7 school offering baccalaureate, graduate or post-graduate programs.

8 (g) *Post-Secondary Education* shall refer to nondegree
9 technical-vocational programs accredited by the TESDA.

10 (h) *Technical-Vocational Programs* refer to post-secondary certificate
11 courses, officially recognized as nondegree programs aimed at preparing
12 technicians, paraprofessionals and other categories of middle-level workers by
13 providing them with a broad range of general education, theoretical, scientific
14 and technological studies, and related job skills training.

15 SEC. 5. *Institutionalization of Distance Education.* – Distance
16 education is hereby institutionalized in the Philippines in accordance with the
17 provisions of this Act. Due diligence is likewise encouraged in seeing to it that
18 equivalence or comparability with existing standards in both the
19 traditional/residential or alternative education systems is ensured.

20 SEC. 6. *Admission and Other Academic Policies and Requirements.* –
21 Admission and other academic policies and requirements in HEIs offering
22 tertiary education through distance education programs shall be governed by a
23 set of policies, standards and requirements set for tertiary education by duly
24 authorized academic bodies such as the Board of Regents/Trustees, the
25 University/Faculty Councils and/or the CHED, and for technical-vocational
26 courses in the post-secondary level by the TESDA such as, but not limited to,
27 the following:

28 (a) Completion of secondary education;

1 (b) Passing an entrance examination given by the HEI or
2 post-secondary school; and

3 (c) Compliance with the other admission requirements of the admitting
4 higher education or post-secondary institution that are instituted in accordance
5 with the standards set by the CHED and the TESDA, respectively.

6 SEC. 7. *Program, Curriculum and Course Development Offerings*
7 *and Requirements.* – Course offerings and programs of distance education
8 schools should be comparable in standards, practice and policies to other HEIs.
9 Curricula and requirements for admission and graduation should also be at par
10 with traditional or conventional systems, and should similarly be subject to
11 regulations by appropriate authorities like the CHED or the TESDA.

12 There shall be defined a set of courses/subjects and/or examinations,
13 and/or special projects and activities, the completion of which shall be required
14 for graduation from the academic degree program, and which shall be
15 equivalent to those under the conventional mode of instruction. The following
16 shall also be considered:

17 (a) The place, pace and mode of study of the student shall be at the
18 option and convenience of the student within the time frame as may be
19 prescribed by the learning institution: *Provided*, That, the content, context and
20 conduct of examination shall be determined by the institution;

21 (b) The institution concerned shall formulate and implement a
22 mechanism to monitor the academic progress of the students;

23 (c) The curricular offerings using the open learning philosophy which
24 are offered through the distance education mode shall conform to respective
25 policies, standards and guidelines for distance education of the CHED and the
26 TESDA;

27 (d) Completion of all the requirements for the academic program shall
28 be evidenced by the award of the appropriate academic degree; and

1 (e) For the practice of the profession for which one has acquired the
2 necessary academic credentials through distance education, the existing
3 requirements of passing a board examination shall apply.

4 SEC. 8. *Mode of Delivery.* -- Open learning/distance education may be
5 delivered using information and communications technology and other
6 approaches such as, but not limited to, the following:

7 (a) Print -- textbooks, study guides, workbooks, course syllabi,
8 correspondence feedback and other print formats;

9 (b) Audio-Visual -- radio, audio cassettes, slides, film, videotapes,
10 television, telephone, fax, audio-conferencing and video-conferencing;

11 (c) Electronic/Computer Technology and Virtual Classrooms --
12 CD-ROM, electronic mail, e-bulletin boards, world-wide web, podcasts,
13 m-learning, i-lectures, e-learning or online learning management systems; and

14 (d) Face-to-face sessions -- conducted in learning and study centers.

15 SEC. 9. *Support to Open Learning and Distance Education Programs.*

16 -- The CHED, the TESDA and the University of the Philippines Open
17 University (UPOU) shall provide support to HEIs and post-secondary schools
18 in developing and providing high quality programs and offerings in open,
19 distance and online learning. This support includes, among others:

20 (a) Training of qualified teachers, providers and other professionals;

21 (b) Curriculum, courseware and program development;

22 (c) Cyber infrastructure planning, resource sourcing and
23 implementation;

24 (d) School operations and management planning and development,
25 including support services, learning management systems, instructional design
26 and development, and research on emerging technologies; and

27 (e) Institutional linkages and networking.

1 SEC. 10. *Support to Students.* – Any student enrolled in open learning
2 and distance education programs under the auspices of this Act shall have
3 access to all privileges, opportunities and entitlements that a student similarly
4 situated under the conventional system of instruction may have access to,
5 including, but not necessarily be limited to, availment of scholarships, grants
6 and loans from the government or government-administered funding sources.
7 Specifically, HEIs and post-secondary schools engaged in open learning and
8 distance education programs shall be tasked to perform the following student
9 support services:

10 (a) Provide clear admission policies and procedures for applicants;

11 (b) Maintain faculty-student dialogue and interactivity through virtual
12 classrooms linked electronically or through established learning centers or
13 both, whichever may be feasible, to ensure greater knowledge sharing, access
14 to counseling and other support services;

15 (c) Provide for an efficient and reliable communication system,
16 feedback mechanism, especially on learners' academic progress, and
17 multimedia support;

18 (d) Show evidence of regular monitoring of learners' progress; and

19 (e) Provide a wide range of relevant, updated and accessible learning
20 resources that are easily accessible to students.

21 SEC. 11. *Role of the University of the Philippines Open University.* –
22 The University of the Philippines Open University, hereinafter referred to as
23 the UPOU, shall be designated as the National Open University. As such, it
24 shall:

25 (a) Provide leadership in the development of open learning and
26 distance education expertise in the country and in the appropriate use of
27 information and communications technologies in support of quality higher
28 education;

1 (b) Promote best practices in open learning and distance education in
2 the Philippines;

3 (c) Share knowledge through informed and innovative research and
4 other development activities related to distance education through its exemplar
5 policies, programs, materials, learning management systems guidelines and
6 offerings;

7 (d) Provide technical assistance to the CHED and the TESDA on
8 matters relating to distance education policies, guidelines and standards,
9 particularly in implementing an accreditation system for open learning and
10 distance education programs and institutions in the country;

11 (e) Design model curricular programs which shall serve as prototype
12 programs upon which similar programs to be offered by other HEIs in the
13 country shall be patterned after;

14 (f) Develop and promote appropriate information and communications
15 technologies to facilitate quality open learning and distance education
16 programs in the country;

17 (g) Design and produce quality learning materials and objects, both in
18 print and multimedia formats, for higher education and post-secondary
19 instruction in the country;

20 (h) Make instructional materials for distance education programs
21 accessible to the public through collaborative arrangements and other
22 appropriate mechanisms;

23 (i) Assist other interested educational institutions in developing their
24 distance education programs, courses and materials for specific learner groups
25 or the public at large;

26 (j) Design and implement a continuing program to develop high level
27 expertise in the fields of open learning and distance education in the
28 Philippines through quality formal academic degree programs and nonformal

1 courses through either or both distance and face-to-face modes of instruction
2 and training; and

3 (k) Help capacitate distance education teachers and practitioners
4 through capacity building and professionalization programs.

5 SEC. 12. *Roles of the CHED and the TESDA.* – The CHED and the
6 TESDA shall be the respective regulators of HEIs and post-secondary schools
7 involved in open learning and distance education. As such, they shall:

8 (a) Formulate, promulgate, disseminate and implement the necessary
9 policies, standards, guidelines, rules and regulations for the effective
10 implementation of distance education in the country;

11 (b) Formulate and implement strategies to improve the quality of
12 distance education programs and implement a system of quality control for
13 open learning and distance education in the country;

14 (c) Monitor and evaluate existing open learning and distance education
15 programs and effect the continuation or closure of programs in accordance
16 with the provisions of the implementing rules and regulations for distance
17 education in the country;

18 (d) Review and approve or disapprove proposals from HEIs for the
19 implementation of new distance education programs; and

20 (e) Recommend to the Department of Budget and Management (DBM)
21 the budget for distance education programs of qualified state HEIs and public
22 post-secondary schools based on the respective monitoring and evaluation
23 results of the CHED and the TESDA.

24 SEC. 13. *Roles of Broadcast Media and Telecommunications*
25 *Networks.* – Broadcast media and telecommunications networks are
26 encouraged to provide as much assistance and cooperation to HEIs offering
27 open learning and distance education programs. Such assistance may include,
28 but not necessarily be limited to, the transmission of learning materials for

1 formal and nonformal courses to learners not only within the Philippines, but
2 also outside the country.

3 SEC. 14. *Independent Evaluation.* – In aid of better policy making,
4 the CHED and the TESDA shall enter into an agreement with the Department
5 of Science and Technology (DOST) and other reputable research institutions to
6 conduct an independent evaluation of the state, regulatory governance, quality,
7 concerns, challenges and prospects of open learning and distance education in
8 the Philippines. It shall survey a diverse group of HEIs with respect to size,
9 mission and geographic distribution.

10 SEC. 15. *Interim and Final Report.* – The agreement under Section 14
11 hereof shall require that the DOST submit to the CHED Chair and the TESDA
12 Director-General, the Senate Committee on Education, Culture and the Arts,
13 and the House Committee on Higher and Technical Education the following:

14 (a) An interim report regarding the evaluation under Section 14 hereof
15 not later than six (6) months after the date of enactment of this Act; and

16 (b) A final report regarding such evaluation not later than one (1) year
17 after the date of enactment of this Act.

18 SEC. 16. *Tax Incentives.* – Any donation, contribution, bequest and
19 grant, in cash and/or services which may be made by individuals and
20 organizations, including, but not limited, to private entities such as private
21 schools, broadcasting companies, telecommunications networks which shall
22 provide appropriate materials, time and delivery support services for the
23 promotion of open learning and distance education in partnership with HEIs
24 delivering academic degree programs through distance education, shall be
25 exempt from the donor's tax and the same shall be considered as allowable
26 deduction from the gross income in the computation of the income tax of the
27 donor in accordance with the provisions of the National Internal Revenue Code
28 of 1997, as amended.

1 SEC. 17. *Implementing Rules and Regulations.* – The CHED, through
2 its Technical Panel for Distance Education, the TESDA and the UPOU, in
3 consultation with relevant stakeholders in higher and technical education, are
4 hereby mandated to formulate the rules and regulations to implement this Act
5 within a period of ninety (90) days from the effectivity thereof.

6 SEC. 18. *Appropriations.* – The amount necessary to carry out the
7 provisions of this Act shall be included in the respective budgets of the CHED,
8 the TESDA, the UPOU and HEIs and post-secondary technical/vocational
9 schools which have existing open learning and distance education programs in
10 the annual General Appropriations Act.

11 SEC. 19. *Separability Clause.* – If any provision of this Act or any
12 part hereof be declared unconstitutional or invalid, the same shall not affect the
13 validity of the other provisions of this Act.

14 SEC. 20. *Repealing Clause.* – All laws, decrees, orders, rules and
15 regulations or parts thereof which are inconsistent with the provisions of this
16 Act are hereby repealed, amended or modified accordingly.

17 SEC. 21. *Effectivity.* – This Act shall take effect fifteen (15) days after
18 its publication in a newspaper of general circulation.

Approved,