



## HOUSE OF REPRESENTATIVES

H. No. 4553

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BY REPRESENTATIVES ROMULO, GONZALES, RODRIGUEZ (R.), RODRIGUEZ (M.), ANGARA-CASTILLO, PIAMONTE, CORTUNA, VILLAR, UMALI (C.), ABAYON, DEL ROSARIO (A.G.), LOBREGAT, ROQUE, KHO, MERCADO-REVILLA, CO, BATOCABE, MERCADO, ROMUALDO, TEJADA, ZAMORA (R.), HICAP, TY, GO (A.C.), FLORES, DEL MAR, CAYETANO, QUIMBO, ALIPING, COLLANTES, FORTUNO, SUANSING AND ANTONINO-NADRES, PER COMMITTEE REPORT NO. 280

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AN ACT EXPANDING ACCESS TO EDUCATIONAL SERVICES BY INSTITUTIONALIZING OPEN DISTANCE LEARNING IN HIGHER EDUCATION AND APPROPRIATING FUNDS THEREFOR

*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           Distance Learning Act”

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

1           SEC. 3. *Definition of Terms.* – As used in this Act:

2           (a) *Distance education* refers to a mode of learning in which students  
3 and teachers are physically separated from each other. It is student-centered,  
4 guided independent study, making use of well-studied teaching and learning  
5 pedagogies to deliver well-designed learning materials in various media. It is  
6 also sometimes described as flexible learning and distributed learning;

7           (b) *Higher education* refers to the higher learning level after high  
8 school offering baccalaureate, graduate or post-graduate programs;

9           (c) *Higher education institution (HEI)* refers to an institution of higher  
10 learning which primarily offers degree-granting programs duly recognized by  
11 the Commission on Higher Education (CHED) and leading to the conferment  
12 of a diploma;

13           (d) *Open Distance Learning (ODL)* refers to the merger of two (2)  
14 concepts, that of open learning and distance education. It is a system which  
15 combines the methodology of distance education with the concepts of open  
16 learning and flexible learning;

17           (e) *Open learning* refers to a philosophy of learning that is based on  
18 flexibility of access for equity in education, an educational system accessible to  
19 every individual with minimal restrictions and emphasizing the flexibility of  
20 the system to eradicate problems caused by barriers like age, geographical  
21 location, time constraints and economic situation; and

22           (f) *Open University/College/Institution* refers to a degree-granting HEI  
23 recognized by the CHED which has at least a Level III accreditation in the  
24 programs offered in the conventional classroom or traditional mode and which  
25 employs operational procedures and strategies of an open learning institution.

1           SEC. 4. *Institutionalization of Open Distance Learning.* – ODL is  
2 hereby institutionalized in accordance with the provisions of this Act. The  
3 ODL programs shall conform to the guidelines set by the CHED for both the  
4 conventional classroom or traditional mode and the nonconventional mode.

5           SEC. 5. *Guiding Principles for ODL Courses/Subjects.* – All courses  
6 or subjects offered in the ODL mode shall adhere to the following principles:

7           (a) *Learner Centeredness* – ODL programs shall focus on the needs of  
8 the learner and the goal of facilitating independent learning;

9           (b) *Quality and Relevant Programs* – ODL programs shall be  
10 equivalent in challenges and depth to conventional classroom or traditional  
11 programs in nonconventional delivery;

12           (c) *Transparency to Guide Informed Choice* – ODL implementers  
13 shall make information about their programs, particularly on the curriculum  
14 and delivery system, instructional materials development, delivery  
15 mode/strategies, student support services, and other relevant information  
16 available to accrediting bodies, academic peers, regulators and students.  
17 Updated information shall be made accessible through such media as the  
18 internet;

19           (d) *Peer Review* – A review by experts in ODL to determine the  
20 acceptability of the course or subject shall be institutionalized following the  
21 criteria set by the CHED;

22           (e) *Public Responsibility and Accountability* – Implementers shall  
23 heed the public impact of ODL programs and shall always exercise due  
24 diligence in avoiding harm to program stakeholders, especially students.  
25 Consumer protection, in particular, shall be a priority because of the high value  
26 that Filipinos put on education; and

27           (f) *Quality and Continuous Improvement* – An HEI shall embed in its  
28 program framework the proactive needs assessment of students and

1 stakeholders in terms of the ODL program planning, implementation and  
2 evaluation. The interaction of students' needs, interests and perceptions,  
3 faculty interests and skills, technology available and Filipino culture should be  
4 carefully examined, explored and monitored to continuously improve all  
5 aspects of development and delivery.

6         **SEC. 6. *Scope and Limitation.*** – This Act shall apply to all public and  
7 private HEIs in the Philippines that have existing ODL programs, including  
8 state universities and colleges (SUCs) and local universities and colleges  
9 (LUCs), and to other HEIs in the country which shall be subsequently  
10 authorized as qualified implementers of ODL.

11         **SEC. 7. *Admission and Other Academic Policies and Requirements.***  
12 – Admission and other academic policies and requirements in all HEIs  
13 offering ODL programs shall conform to the minimum policies, standards and  
14 requirements set by the CHED.

15         **SEC. 8. *Program, Curriculum and Course Development Offerings and***  
16 ***Requirements.*** – The curricular offerings using ODL or open learning through  
17 the distance education mode shall ensure that the learning outcomes are clearly  
18 articulated in terms of competencies, skills and behavioral attributes and  
19 conform to the respective policies, standards and guidelines for distance  
20 education set by the CHED.

21         There shall be defined a set of courses/subjects, modules, examinations,  
22 and special projects and activities, the completion of which shall be required  
23 for graduation from the academic degree program, and which shall be  
24 equivalent to those under the conventional mode of instruction. The following  
25 shall also be considered:

26         (a) The place, pace, and mode of study of the student shall be at the  
27 option and convenience of the student within the time frame as may be

1 prescribed by the learning institution: *Provided*, That the content, context and  
2 conduct of examination shall be determined by the institution;

3 (b) The concerned HEI shall formulate and implement a mechanism to  
4 monitor the academic progress of the students;

5 (c) The curricular offerings using the open learning/ODL philosophy,  
6 which are offered through the distance education mode, shall conform to  
7 respective policies, standards, and guidelines for distance education of the  
8 CHED;

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

11 (e) For the practice of the profession for which one has acquired the  
12 necessary academic credentials through ODL, the existing requirement of the  
13 Professional Regulation Commission or other relevant government agencies of  
14 passing a licensure examination for programs offered in the conventional  
15 classroom or traditional mode shall also apply to graduates of ODL programs.

16 SEC. 9. *Mode of Delivery*. – The open learning philosophy offered  
17 through the distance education mode or ODL programs may be delivered using  
18 information and communications technology and other approaches, such as the  
19 following:

20 (a) Print – textbooks, study guides, workbooks, course syllabi,  
21 correspondence feedback, and other print formats;

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

24 (c) Electronic/Computer Technology and Virtual Classrooms  
25 – internet, CD-ROM, electronic mail, e-bulletin boards, podcasts, m-learning,  
26 i-lectures, e-learning or online learning management systems; and

27 (d) Face-to-Face Sessions – conducted in learning and study centers.

1           SEC. 10. *Support to Open Learning, ODL Programs and Distance*  
2 *Education.* – To enhance the impact of distance education, the CHED shall  
3 provide support to HEIs in developing and providing high quality ODL/open  
4 learning programs and offerings in distance and online learning. This support  
5 shall include the following:

- 6           (a) Training of qualified teachers, providers, and other professionals;  
7           (b) Relevant curriculum, courseware, and program development;  
8           (c) Development of appropriate learning materials;  
9           (d) Cyber infrastructure planning, resource sourcing, and  
10 implementation;  
11           (e) School operations and management planning and development,  
12 including support services, learning management systems, instructional design  
13 and development, and research on emerging technologies; and  
14           (f) Formal linkages and networking with institutions which may serve  
15 as learning or testing centers.

16           SEC. 11. *Support to Students.* – Any student enrolled in ODL programs  
17 or open learning through the distance education mode under this Act shall have  
18 access to all privileges, opportunities and entitlements that a student similarly  
19 situated under the conventional system of instruction may have access to,  
20 including the availment of scholarship, grants-in-aid, and loans from the  
21 government or government-administered funding sources. Specifically, HEIs  
22 engaged in ODL programs and open learning through distance education shall  
23 be tasked to perform the following student support services:

- 24           (a) Provide clear admission policies and procedures for applicants;  
25           (b) Maintain faculty-student dialogue and interactivity through virtual  
26 classrooms linked electronically or through established learning centers, or  
27 both, whichever may be feasible, to ensure greater knowledge sharing, access  
28 to counseling and other support services;

1 (c) Provide for an efficient and reliable communication system,  
2 feedback mechanism, especially on learners' academic progress, and  
3 multimedia support;

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

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

7 SEC. 12. *Role of the University of the Philippines Open University.*

8 – The University of the Philippines Open University, hereinafter referred to as  
9 the UPOU, shall assist and provide expertise to the CHED in the performance  
10 of its functions pursuant to Section 14 of this Act. As such, it shall:

11 (a) Provide leadership in the development of ODL/open learning and  
12 distance education expertise in the country and in the appropriate use of  
13 information and communications technologies in support of quality higher  
14 education;

15 (b) Promote best practices in open learning and distance education in  
16 the Philippines;

17 (c) Share knowledge through informed and innovative research and  
18 other development activities related to distance education through its exemplar  
19 policies, programs, materials, learning management systems, guidelines and  
20 offerings;

21 (d) Provide technical assistance to CHED in matters relating to  
22 distance education, particularly in the development of basic curricular design  
23 and formulation of national policies, standards and guidelines for open learning  
24 and distance education programs and institutions in the country;

25 (e) Develop and promote appropriate information and communications  
26 technology to facilitate quality open learning and distance education programs  
27 in the country;

1 (f) Design quality learning materials and objects, both in print and  
2 multimedia formats, for higher education and post-secondary instruction in the  
3 country;

4 (g) Make instructional materials for distance education programs  
5 accessible to the public through collaborative arrangements and other  
6 appropriate mechanisms;

7 (h) Assist other interested educational institutions in developing their  
8 distance education programs, courses, and materials for specific learner groups  
9 or the public at large;

10 (i) Design and implement a continuing program to develop high level  
11 expertise in the fields of open learning and distance education in the  
12 Philippines through quality formal academic degree programs and nonformal  
13 courses through either or both distance and face-to-face modes of instruction  
14 and training; and

15 (j) Help capacitate distance education teachers and practitioners  
16 through capacity building and professionalization programs.

17 SEC. 13. *Zonal ODL Centers.* – Zonal ODL centers shall be  
18 established, one each in Metro Manila, Luzon, Visayas and Mindanao, and  
19 eventually one in each region, to assist the CHED in performing its tasks. The  
20 zonal ODL centers shall take charge of the training of teachers for ODL  
21 programs via distance education.

22 SEC. 14. *Role of the CHED.* – The CHED shall assist HEIs in  
23 developing their capability to offer open learning/ODL programs through  
24 distance education. It shall also be the regulator of HEIs involved in ODL,  
25 open learning and distance education. As such, it shall:

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



1 (b) Develop strategies to improve the quality of distance education  
2 programs and implement a system of quality control for ODL, open learning  
3 and distance education in the country;

4 (c) Monitor and evaluate existing open learning and distance education  
5 programs and effect the continuation or closure of programs in accordance  
6 with the provisions of Republic Act No. 7722 or the “Higher Education Act of  
7 1994”, the Manual of Regulations for Private Higher Education (MORPHE)  
8 and other issuances of the CHED;

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

11 (e) Recommend to the Department of Budget and Management (DBM)  
12 the budget for ODL or open learning programs through distance education of  
13 qualified state HEIs based on the monitoring and evaluation results of the  
14 CHED.

15 SEC. 15. *Role of Broadcast Media and Telecommunications Networks.*

16 – Broadcast media and telecommunications networks are encouraged to  
17 provide as much assistance and cooperation to HEIs offering ODL/open  
18 learning programs through distance education. Such assistance may include  
19 the transmission of learning materials for formal and nonformal courses to  
20 learners not only within the Philippines, but also outside the country.

21 SEC. 16. *Independent Evaluation.* – In aid of better policy making,  
22 the CHED shall enter into an agreement with reputable research institutions to  
23 conduct an independent evaluation of the state, regulatory governance, quality,  
24 concerns, challenges and prospects of ODL/open learning programs and  
25 distance education in the Philippines. It shall survey a diverse group of HEIs  
26 with respect to size, mission and geographic distribution.

1           SEC. 17. *Interim and Final Report.* – The agreement under Section 16  
2 of this Act shall require that the reputable research institutions submit to the  
3 CHED Chairperson, the Senate Committee on Education, Culture and the Arts,  
4 and the House Committee on Higher and Technical Education the following:

5           (a) An interim report regarding the evaluation, as provided herein, not  
6 later than six (6) months after the date of the enactment of this Act; and

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

9           SEC. 18. *Tax Exemptions.* – Any donation, contribution, bequest and  
10 grant, in cash, materials, and services which may be made by individuals and  
11 organizations, including private entities, which shall provide appropriate  
12 materials, *time and delivery support services* for the promotion of ODL in  
13 partnership with HEIs delivering academic degree programs through distance  
14 education, shall be exempt from the donor's tax and the same shall be  
15 considered as allowable deduction from the gross income in the computation of  
16 the income tax of the donor in accordance with the provisions of the National  
17 Internal Revenue Code of 1997, as amended.

18           SEC. 19. *Appropriations.* – The amount needed for the initial  
19 implementation of this Act shall be charged against the current year's  
20 appropriations of the CHED and the SUCs which have existing ODL  
21 programs. Thereafter, such sums as may be necessary for the continued  
22 implementation of this Act shall be included in the annual General  
23 Appropriations Act.

24           SEC. 20. *Implementing Rules and Regulations.* – The CHED, through  
25 its Technical Panel for Distance Education, in consultation with relevant  
26 stakeholders in higher education, such as the Philippine Association of State  
27 Universities and Colleges (PASUC), the Coordinating Council of Private  
28 Educational Associations (COCOPEA), and the Association of Local Colleges

1 and Universities (ALCU), among others, are hereby mandated to formulate the  
2 rules and regulations to implement this Act within a period of ninety (90) days  
3 from the effectivity thereof.

4 SEC. 21. *Separability Clause.* – If any provision of this Act or any  
5 part hereof be declared unconstitutional or invalid, the same shall not affect the  
6 validity of the other provisions of this Act.

7 SEC. 22. *Repealing Clause.* – All laws, decrees, orders, rules and  
8 regulations or parts thereof which are inconsistent with the provisions of this  
9 Act are hereby repealed, amended or modified accordingly.

10 SEC. 23. *Effectivity.* – This Act shall take effect fifteen (15) days after  
11 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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