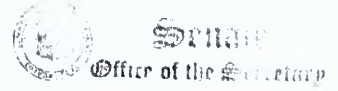


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NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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'22 JUL 13 A10 :44

SENATE

S.B. No. 474

RECEIVED BY:

Introduced by SENATOR WIN GATCHALIAN

**AN ACT
MANDATING THE PROVISION OF ONE LAPTOP FOR EVERY LEARNER
ENROLLED UNDER THE K TO 12 PROGRAM OF THE DEPARTMENT OF
EDUCATION, ESCALATING THE PROVISION OF RELIABLE AND SECURE
INTERNET CONNECTION FOR THE USE OF SUCH LAPTOPS,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The “*One Learner, One Laptop Act*” is a proposition to fulfill the policy of the State, as enshrined in the 1987 Constitution, to promote the right of all citizens to quality education at all levels, take appropriate steps to make such education accessible to all, and assign the highest budgetary priority to education. The COVID-19 pandemic challenged the government in this constitutional pursuit to deliver to Filipinos quality basic education through blended learning as the issue of access to online learning materials and instruction became the ultimate consideration for the Department of Education (DepEd) to prioritize the distribution of Self-Learning Modules (SLMs) over digital platforms. SLMs thus became the dominant means to implement the DepEd’s Basic Education-Learning Continuity Plan.

The pertinent excuse on the lack of a reliable and safe Internet connection

nationwide is an issue that has persistently sparked debates worldwide whether Internet access is a luxury or an essential utility such as water. Some advocates take the argument one step further and argue that Internet access is a basic human right that should be provided for free to those who can't afford it.¹ Starting 2007, the issue of the Internet has also appeared in various contexts in the concluding observations of the different committees of the United Nations, such as the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, and the Committee on the Rights of the Child.² While the right to Internet access may still be evolving and in the process of being recognized as a new human right, the 1987 Constitution itself mandates the State to take appropriate steps to make quality education accessible to all, and recognizes the vital role of communication and information in nation-building. As such, it shall provide the policy environment for the full development of Filipino capability and the emergence of communication structures suitable to the needs and aspirations of the nation – including the aspiration for the uninterrupted delivery of quality basic education in locations both inside and outside the physical premises of the classroom. This includes the duty to mandate the expansion of the national Internet infrastructure, and ensure its reliability and affordability especially among the most vulnerable and marginalized groups.

The objectives of this bill are therefore straightforward. To enable all learners in the public schools, their homes, and other remote locations to receive quality digital and distance learning at all times and under all circumstances, the DepEd shall provide a laptop for every learner enrolled under the K to 12 Program in public schools, and the Department of Information and Communications Technology shall escalate the provision of a reliable and secure Internet access suitable to the needs of learners for digital and distance learning

¹ The Case for Internet Access as a Human Right (Karl Bode, November 14, 2019), at <https://www.vice.com/en/article/3kxmm5/the-case-for-internet-access-as-a-human-right>. Last accessed June 17, 2022, 11:00 a.m.

² Szoszkiewicz, Łukasz. (2018). Internet Access as a New Human Right? State of the Art on the Threshold of 2020. *Przegląd Prawniczy Uniwersytetu im. Adama Mickiewicza*. 8. 50. 10.14746/ppuam.2018.8.03.

by:

(1) accelerating the installation, deployment and activation of the free public wi-fi in all public basic education institutions as mandated under Republic Act No. 10929 or the “*Free Internet Access in Public Places Act*”, and

(2) escalating the building of the national infrastructure for information and communications technology by mandating the National Telecommunications Commission to identify the locations for the construction of telecommunications tower sites, giving due priority to the missionary areas, and require Public Telecommunications Entities (PTEs) to complete the building of the targeted number of towers within two years from the effectivity of this Act.

PTEs are also mandated under this bill to provide free access to DepEd’s online educational platforms, digital libraries, and other online knowledge hubs and sites. No data charges shall be incurred in the download of data from these sites and applications. They shall also create systems and establish procedures to make available special sim cards, plans, and services for digital and distance education at minimal cost and with no data caps. For learners whose parents are listed as beneficiaries under the “Listahanan” of the Department of Social Welfare and Development, they shall be provided subsidized data plans by the DepEd for the use of the prescribed laptops.

I earnestly seek the support of my colleagues for the passage of this legislation that will make it the responsibility of government to ensure that learning will continue – leaving no learner behind – at all times and under all circumstances.



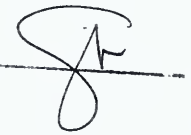
WIN GATCHALIAN

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AN ACT
MANDATING THE PROVISION OF ONE LAPTOP FOR EVERY LEARNER
ENROLLED UNDER THE K TO 12 PROGRAM OF THE DEPARTMENT OF
EDUCATION, ESCALATING THE PROVISION OF RELIABLE AND SECURE
INTERNET CONNECTION FOR THE USE OF SUCH LAPTOPS,
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 “*One Learner,*
2 *One Laptop Act*”.

3

4 Sec. 2. *Declaration of Principles.* – It is the policy of the State to promote
5 the right of all citizens to quality education at all levels, take appropriate
6 steps to make such education accessible to all, and assign the highest
7 budgetary priority to education. The State also recognizes the vital role of
8 communication and information in nation-building, and shall provide the
9 policy environment for the full development of Filipino capability and the
10 emergence of communication structures suitable to the needs and
11 aspirations of the nation – including the aspiration for the uninterrupted

1 delivery of quality basic education in locations both inside and outside the
2 physical premises of public schools. Towards this end, the State shall ensure
3 that learning will continue leaving no learner behind and with minimal or no
4 disruption by providing the resources and capability for digital and distance
5 learning.

6
7 Sec. 3. *Objectives.* – This Act aims to enable all learners in the public
8 schools, their homes, and other remote locations to receive quality digital and
9 distance learning at all times and under all circumstances by:

10 (a) providing a laptop for every learner enrolled under the K to 12 Program
11 in public schools under the Department of Education (DepEd); and

12 (b) escalating the provision of a reliable and secure Internet access suitable
13 to the needs of learners for digital and distance learning.

14
15 Sec. 4. *Provision of Laptops; Department of Education.* – The Secretary
16 of Education, through the Bureau of Learning Resources, shall formulate the
17 policies, standards, and guidelines for the implementation and management
18 of providing one laptop for every learner enrolled under the K to 12 Program
19 in public schools. It shall establish an efficient and sustainable system for the
20 provision of this learning resource to ensure equitable access to quality digital
21 learning resources online and offline.

22
23 Sec. 5. *Provision of Reliable and Secure Internet Connection; Escalation*
24 *of the Building of the National Information and Telecommunications Technology*
25 *Infrastructure.* – To ensure the availability of a reliable and secure Internet
26 connection suitable to the needs of learners for digital and distance learning,
27 the Department of Information and Communications Technology (DICT) shall
28 implement measures to accelerate the installation, deployment and activation
29 of the free public wi-fi in all public basic education institutions as mandated
30 under Republic Act No. 10929 or the “*Free Internet Access in Public Places*
31 *Act*”.

1 The DICT shall likewise escalate the building of the national
2 infrastructure for information and communications technology (ICT) by
3 mandating the National Telecommunications Commission (NTC) to identify
4 the locations for the construction of telecommunications tower sites, giving
5 due priority to the missionary areas which remain unconnected and unserved
6 or underserved by the Public Telecommunications Entities (PTEs), and require
7 the PTEs to complete the building of the targeted number of towers within two
8 years from the effectivity of this Act.

9 The government, through the DICT, shall formulate and implement a
10 system to provide financing or incentives to PTEs in the construction of
11 telecommunications towers in the missionary areas.

12 PTEs refer to entities that are duly authorized to offer voice, short
13 messaging system or text, mobile data, value added services, or any other
14 mobile telecommunications services to the public for a fee.

15 For purposes of this section and pursuant to Republic Act No. 11032
16 or the “Ease of Doing Business and Efficient Government Service Delivery Act
17 of 2018”, all relevant government agencies and local government units are
18 required to process, approve, and issue permits and clearances for the
19 construction of telecommunications towers within seven working days.
20

21 *Sec. 6. Free Access to DepEd’s Online Platforms; Special Services for*
22 *Learners.* – PTEs shall provide free access to the DepEd’s online educational
23 platforms, digital libraries, and other online knowledge hubs and sites without
24 any additional financial burden on all subscribers. No data charges shall also
25 be incurred in the download of data from these sites and applications.

26 Further, the NTC and the PTEs, in consultation with the DepEd, are
27 hereby mandated to create systems and establish procedures in making
28 available special sim cards, plans, and services for digital and distance
29 education at minimal cost and with no data caps, including their expedited
30 sale and availment.

31 Learners whose parents are listed as beneficiaries under the National

1 Household Targeting System for Poverty Reduction, otherwise known as
2 “Listahanan”, under the Department of Social Welfare and Development
3 (DSWD), shall be provided subsidized data plans by the DepEd for the use of
4 the prescribed laptops under this Act.

5
6 *Sec. 7. Implementing Agencies.* – The DICT and the DSWD shall
7 coordinate with the DepEd and provide the necessary services, assistance,
8 and intervention in accordance with their respective mandates and functions
9 under existing laws, rules and regulations to develop and enhance the
10 capacity of the DepEd to implement the provisions of this Act and
11 continuously deliver quality digital basic education services.

12
13 *Sec. 8. Tax Incentives.* – Any donation, contribution, or grant, in cash
14 or in kind, made by individuals or organizations, public or private, local or
15 foreign, shall be exempt from the donor's tax and the cost of which shall be
16 considered as an allowable deduction from the gross income of the donor in
17 accordance with the provisions of the National Internal Revenue Code of 1997,
18 as amended.

19
20 *Sec. 9. Mandatory Review and Impact Assessment.* – The DepEd, DICT,
21 and DSWD shall conduct a mandatory review of the implementation of this
22 Act, and submit an assessment report to Congress on its impact and
23 effectiveness, not later than two (2) years from its effectivity and every two (2)
24 years thereafter.

25
26 *Sec. 10. Joint Congressional Oversight Committee.* – There is hereby
27 created a Joint Congressional Oversight Committee to oversee, monitor and
28 evaluate the implementation of this Act. The Oversight Committee shall be
29 composed of five (5) members each from the Senate and from the House of
30 Representatives, including the Chairs of the Committees on Education, Arts

1 and Culture, and Finance of both Houses. The membership of the Committee
2 for every chamber shall have at least one (1) minority member.

3
4 Sec. 11. *Appropriations.* – The amount necessary for the implementation
5 of this Act shall be charged against those authorized in the current
6 appropriations of the DepEd. Thereafter, the amount necessary for its
7 continued implementation shall be included in the annual General
8 Appropriations Act.

9
10 Sec. 12. *Implementing Rules and Regulations.* – Within ninety (90) days
11 from the effectivity of this Act, the DepEd, in consultation with the other
12 implementing agencies, shall issue the rules and regulations implementing
13 its provisions. The Implementing Rules and Regulations (IRR) issued
14 pursuant to this section shall take effect thirty (30) days after its publication
15 in a newspaper of general circulation.

16
17 Sec. 13. *Separability Clause.* – If any provision of this Act is held invalid
18 or unconstitutional, the other provisions not so declared shall remain in force
19 and effect.

20
21 Sec. 14. *Repealing Clause.* – All laws, orders, and rules and regulations
22 contrary to or inconsistent with the provisions of this Act are hereby repealed
23 or amended accordingly.

24
25 Sec. 15. *Effectivity.* – Notwithstanding the non-issuance of the IRR, this
26 Act shall take effect fifteen (15) days after its publication in the Official Gazette
27 or in a newspaper of general circulation.

Approved,