

SEVENTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session)

Senate
Chamber of the Philippines

16 JUL 21 A11:28

SENATE

S. B. No. 781

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Introduced by Senator FRANCIS G. ESCUDERO

**AN ACT
GOVERNING THE SYSTEM OF PRESCHOOL EDUCATION BY PRESCRIBING
STANDARDS AND REGULATIONS OF PRESCHOOL FACILITIES AND
SERVICES**

EXPLANATORY NOTE

The State recognizes that preschool education is a fundamental component of early childhood development and is a necessary means to ensure that a child, one of the most important assets of the nation, acquires the essential educational foundation for his/her development and to attain his/her fullest potential as a human being.

An issuance by the Department of Education as early as 1989 puts it most accurately:

"During these critical years, basic character, values, abilities, personality, skills, aptitude, attitudes and knowledge are formed. These qualities when properly developed shape the individual's overall perspective and preparedness for life. It has been confirmed by studies that the experiences and the learning that preschool children undergo during the first six years of their life have a lasting effect on their intellectual development as well as on the development of their social and physical skills." (DECS Order No. 107, s. 1989)

Notwithstanding its acknowledged importance in early childhood development, preschool is not considered part of the formal educational ladder. At best, it is casually subsumed by the Education Act of 1982 under the umbrella of Elementary Education, the first stage of compulsory, formal education primarily concerned with providing basic education. Further, the standards prescribed by the Department of Education for the organization and operation of preschools are at best discretionary.

As the government cannot afford to operate and maintain preschools throughout the country, private sector participation steps in to fill this void. While school education is not a required component of the formal education structure, a considerable number of facilities offering preschool services, legitimate or otherwise, has been established. The growing number of preschools gives rise to a number of substantial concerns - the quality of preschool education offered, its rising cost, and the safety of children at the premises of preschool facilities, among others.

This bill seeks to promote quality preschool education, safeguard the welfare of children and temper the rising cost of preschool education, by establishing a system governing and regulating preschool education in the country through the definition of

standards for the organization and operation of preschool facilities and services and penalizing failure to observe the required standards for maintaining a preschool.

In view of the foregoing, the immediate passage of this bill is sought.



FRANCIS G. ESCUDERO

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

Chapter 1
TITLE AND DECLARATION OF POLICY

1 Section 1. *Short Title.* This Act shall be known as "Governance in Preschool
2 Education Act."

4 Sec. 2. *Declaration of Policy.* It is hereby declared the policy of the State to uphold
5 the vital role of children in nation-building by instituting measures that shall promote
6 and protect their physical, moral, spiritual, intellectual and social well-being.

8 The State recognizes the importance of early childhood development and the role
9 it plays in achieving the country's educational goals and objectives. The State further
10 recognizes that preschool education is a fundamental component of early childhood
11 development and is a necessary means to ensure that a child, one of the most important
12 assets of the nation, acquires the essential educational foundation for his/her
13 development and to attain his/her fullest potential as a human being.

15 The State commits to uphold the rights of children to access quality education
16 and assistance, including proper care and nutrition, and special protection from all
17 forms of neglect, abuse, cruelty and exploitation, and other conditions prejudicial to
18 their development. As such, the State shall promote and safeguard the welfare of
19 children and uphold their best interests by encouraging the establishment of quality
20 preschool education through the definition of standards for the organization and
21 operation of preschool facilities and services in the country.

23 Sec. 3. *Definition of Terms.* The terms used in this Act are defined as follows:

- 25 (a) *Child abuse* - refers to the acts described in Section 3(b) of Republic Act No.
26 7610, or the Special Protection of Children Against Abuse, Exploitation and
27 Discrimination Act, and all other forms of abuse and neglect referred to in
28 the same law;
29 (b) *Department* - refers to the Department of Education;

- (c) *Mother tongue* - refers to the language or languages first learned by a child which he/she identifies with or is identified as a native speaker of, by others, or which he/she knows best and uses most;
 - (d) *Owner* - refers to the person, natural or juridical, who owns, operates or stands as the proprietor of a preschool, whether or not a permit to operate the same has already been granted him/her. The owner may be the operator or proprietor of existing educational institutions that may be offering elementary, secondary and/or post- secondary education;
 - (e) *Preschool institution* - refers to pre-elementary facilities or services, including but not limited to early learning centers, nurseries, kindergarten schools, playgroups and Similar facilities that primarily provide educational services for preschool children;
 - (f) *Preschool children* - refers to children five (5) years old and below who qualify for admission and enrolment in preschool facilities or services offering preschool education;
 - (g) *Preschool personnel* - collectively refers to the owner, director, teachers and para-professionals working in a preschool institution.

Chapter II
COVERAGE

Sec. 4. Coverage. This Act shall cover all privately owned preschool institutions and other private educational institutions providing elementary, secondary and post-secondary education that also offer preschool services.

A preschool entity or organization contracted by the government as its partner in the Preschool Service Contracting Scheme (PSCP) of the Department shall not be covered by this Act when the delivery of educational services are solely devoted to the implementation of the PSCP.

Chapter III

ESTABLISHMENT AND LICENSING

Sec. 5. Establishment of a Preschool. A private preschool institution shall be established in accordance with law and its operations shall be subject to prior authorization of the Department. No preschool institution shall operate without first applying for a permit to operate and obtaining the same from the Department.

Sec. 6. Application for a Permit to Operate. The Owner of a preschool institution shall file the application for a permit to operate a preschool. He/She shall have the following qualifications:

- (a) Possesses a college degree in a discipline allied to education with at least eighteen (18) units of preschool education course; and
 - (b) Must not have been convicted of any crime involving child abuse, sexual abuse or any other crime committed against children.

If the owner of the preschool is a juridical entity, the President of such entity shall possess the above-prescribed qualifications.

The Department has the discretion to impose additional qualifications before a person may be able to apply for and be granted a permit to operate a preschool.

1 Sec. 7. *Requirements for Application to Operate a Preschool.* The Department shall not
2 issue a permit to operate a preschool unless the following documents and information
3 are submitted:

- 4
- 5 (a) A complete application form, which includes a list of all the preschool
6 personnel, including volunteers and substitutes, and the list of
7 household members as prescribed in Section 9 herein, if applicable;
 - 8 (b) Draft preschool curriculum or program to be implemented;
 - 9 (c) Inspection report showing compliance with all safety rules issued by the
10 local government unit;
 - 11 (d) Certification showing completion of pre-licensing inspections as
12 prescribed in Section 10 herein;
 - 13 (e) Tax Identification Number of the Owner; and
 - 14 (f) Statement of Legal Background

15

16 The Owner shall sign the application for a permit to operate a preschool under
17 oath to certify that all its contents and attachments are true and correct.

18

19 Sec. 8. *Statement of Legal Background.* The Owner of the preschool shall submit a
20 Statement of Legal Background signed under oath by each member of the preschool
21 personnel, eighteen (18) years old and above. The Statement of Legal Background shall
22 include all contacts of the preschool personnel with law enforcers, whether or not such
23 contacts may have resulted to prosecution.

24

25 Sec. 9. *Disclosure of Household Members.* If the preschool is located within a
26 private residence, the Owner shall submit the names of all household members eighteen
27 (18) years old and above.

28

29 Sec. 10. *Pre-Licensing Inspection.* After the filing of the application for a permit to
30 operate, a preschool institution shall be subjected to pre-licensing inspections before it
31 can be allowed to start its operations.

32

33 Sec. 11. *Display of Permit.* The owner shall, at all times, display the operating
34 permit, whether provisional or permanent, in a prominent place clearly visible to the
35 parents and the public.

36

37 Sec. 12. *Licensed Capacity.* The permit shall indicate the licensed capacity to
38 operate the preschool. A preschool institution shall not exceed its licensed capacity
39 during the period of effectivity of the granted permit. An increase in the capacity shall
40 require another application for a new permit to operate.

41

42 Sec. 13. *Changes in the Permit.* If a substantial change in the permit to operate a
43 preschool is needed, the owner shall submit a new application.

44

45 Sec. 14. *Operation without a Permit.* The operation of a preschool institution
46 without authorization, or in violation of the permit granted, is a violation that may be
47 subject to the penalties provided under Chapter XI of this Act.

48

49 Sec. 15. *Strict Compliance of Standards.* A preschool institution shall be required to
50 comply with the standards set under this Act and also to that of the other
51 administrative regulations and orders issued by the Department, under pain of penalty
52 of the Owner and all other preschool personnel responsible for non-compliance of these
53 standards.

1
2
3 **Chapter IV**
4 **PRESCHOOL PROGRAM**
5

6 Sec. 16. *Curriculum Development.* The Department shall develop the curriculum
7 prescribed for 'preschool education consistent with the universally accepted norms and
8 standards, including values formation, and to periodically review such for purposes of
9 upgrading.

10 Private preschool institutions shall henceforth implement the appropriate
11 curriculum prescribed by the Department.

12 Sec. 17. *Developmentally Appropriate Experiences.* The preschool program shall
13 incorporate the use of developmentally appropriate experiences in physical
14 development, social development, supportive emotional and social environment,
15 intellectual and cognitive development, staff-child ratio, language of learning, and
16 parental involvement. Such programs aim to develop the preschool children's
17 intrapersonal and interpersonal skills as well as enhancing their self-management and
18 independence.

19 The program shall also include appropriate learning activities and teaching
20 techniques in accordance with each child's level of comprehension and maturation.

21 Sec. 18. The physical development program shall help the *gross* and fine motor
22 coordination of a child through play and manipulative activities like games, simple
23 work and those that develop physical fitness, and through:

- 24 (a) Adequate indoor and outdoor space pursuant to Chapter V of this Act;
25 (b) Developmentally appropriate materials and equipment, in sufficient quantity
26 to allow choice, and providing supervised time for children to use large and
27 small muscles to increase their physical skills;
28 (c) Appropriate guidance while the school children use equipment and
29 materials that promote their physical growth; and
30 (d) Developmentally appropriate information about health as an integral part of
31 program activities.

32 Sec. 19. *Social Development Program.* The social development program shall help
33 develop skills and behavior pertaining to independence and social behavior including
34 development of health habits and independence in dressing, eating, sleeping and
35 toileting, relating with teachers, peers and other people through group play and/or
36 interaction. It also deals with the development of ability to follow rules and routines.

37 The program shall likewise promote the development of social skills and social
38 interactions by providing positive guidance with clear and consistent rules presented in
39 developmentally appropriate ways such as positive adult and peer role models,
40 focusing on the level of the child.

41 Sec. 20. *Supportive Emotional and Social Environment Program.* The supportive
42 emotional and social environment program shall promote affective development
43 through experiences that help preschool children develop love for self, others and the
44 community. The program shall provide a supportive social and emotional climate that:

- 1 (a) Enhances the preschool children's understanding of themselves as
 2 individuals, and in relation to others, by providing for individual, small
 3 group, and large group activities;
 4 (b) Gives preschool children many opportunities for success through
 5 developmentally appropriate program activities; and
 6 (c) Provides an environment of acceptance that helps preschool children develop
 7 positive self-concept, enhance their individual strengths, build ethnic pride,
 8 and facilitate social relationships.

9
 10 Sec. 21. *Intellectual and Cognitive Development Program.* The intellectual and
 11 cognitive development program shall include activities that promote the development
 12 of intellectual skills particularly in the areas of communication skills and sensory-
 13 perceptual and numeric concepts and skills by:

- 14
 15 (a) Encouraging preschool children to solve problems, initiate activities, explore,
 16 experiment, question, and gain mastery through learning by doing concrete
 17 experimental learning;
 18 (b) Promoting language understanding and use in an atmosphere that
 19 encourages each communication among preschool children and between
 20 children and adults;
 21 (c) Utilizing a curriculum in which a variety of skills are integrated into
 22 activities targeted toward the interest of preschool children;
 23 (d) Encouraging preschool children to organize their experiences and
 24 understand concepts;
 25 (e) Utilizing a language experience approach to introduce printed materials
 26 according to the individual developmental level of the preschool children;
 27 and
 28 (f) Providing a daily balance of activities in the following dimensions: indoor
 29 and outdoor; quiet and active; individual and group; large and small groups;
 30 child and staff initiated; and structured and spontaneous.

31
 32
 33 Sec. 22. *Staff-Child Ratio.* Each preschool institution shall maintain the following
 34 staff-child ratio:

35

Age Range of Children (at the time of enrolment)	Number of Staff	Number of Children
2 years old - 3 years old	1	6
3 years & 1 day - 4 years old	1	10
4 years old & 1 day - 5 years old	1	12

36
 37 Only the personnel directly involved with the immediate care and teaching of
 38 children shall be considered in determining the staff-child ratio.

39
 40 Compliance with staff-child ratio shall be determined on a school-wide basis and
 41 not on an individual classroom basis.

42
 43 Sec. 23. *Language of Learning.* At the Day Care level, the mother tongue shall be
 44 used as language of learning for all subjects. At this stage, oral fluency in the mother
 45 tongue shall be developed.

1 At the preschool level (5 years old), the following language of learning shall be
2 institutionalized:

- 3
- 4 (a) Introduction of oral fluency in Filipino as a subject;
5 (b) Introduction of oral fluency in English as a subject;
6 (c) Continuing development on oral fluency in the mother tongue and the
7 introduction of the mother tongue emergent literacy; and
8 (d) Mother tongue as language of learning for all subjects.

9

10 Sec. 24. *Parental Involvement Program*. The parental involvement program shall
11 allow the active parental involvement in the preschool children's activities.
12 Consideration of the different types of family structures, such as those with single
13 parenthood, adoption, foster care and extended family, shall be made when planning
14 activities.

15

16 The following activities shall be made available to the parents:

- 17
- 18 (a) Participation in classroom and other preschool activities as volunteers or
19 observers;
20 (b) Parent training, education or other activities that parents helped develop;
21 (c) Working with the child in cooperation with preschool personnel;
22 (d) Meeting with preschool personnel and other appropriate staff regarding the
23 child's individual needs and progress or other systems of communication
24 developed with the parent; and
25 (e) Periodic home visits by preschool personnel.

26

27

28 **Chapter V**

29 **PHYSICAL ENVIRONMENT**

30

31 Sec. 25. *Adequate Facilities and Appropriate Physical Environment*. Each preschool
32 institution shall ensure that the children enrolled are provided with adequate facilities
33 and given the appropriate physical environment.

34

35 The Owner and/or Director shall ensure that:

- 36
- 37 (a) All facilities within the school premises, including the floors, walls and
38 ceilings, and other areas not considered when computing activity space under
39 Section 26 are clean and maintained properly;
40 (b) There is at least one toilet seat for every twenty-five (25) children at one time
41 which is conveniently accessible to the children;
42 (c) Sufficient water supply is available to the children during the hours of
43 operation;
44 (d) The sewage and garbage facilities in the school premises are clean and that
45 proper disposal of garbage is maintained to prevent health hazards; and
46 (e) A telephone line is available in the school premises.

47

48 Sec. 26. *Activity Space*. A preschool institution shall have a minimum lot area of
49 five hundred (500) square meters. The area may be divided into a minimum of one
50 hundred forty (140) square meters for the classroom or indoor activity space and three
51 hundred sixty (360) square meters for the playground or outdoor activity space. This
52 area shall be good for not more than four (4) classes only.

Toilets, kitchens, passageways, storage space, cabinets and other spaces not used to directly deliver educational services as defined in this Act shall not be considered when computing the activity space.

5 The Owner and/or Director shall ensure that the indoor activity space is well
6 ventilated and classrooms are adequately lit.

8 Sec. 27. *Outdoor Activity Spnce.* A preschool institution shall have enough space
9 for playground or outdoor activities; otherwise, easy and safe access to the nearest park
10 or open space not more than two hundred (200) meters walking distance from the
11 school site may be presented as an alternative. This arrangement shall be approved in
12 writing by the authorized representative of the park or open space.

The Owner and/or Director shall ensure that the preschool institution complies with the following regulations concerning outdoor activity space used by the children:

- (a) If there are unsafe areas such as drainage ditches, open storm sewers, wells, holes, railroad tracks, or heavy street traffic in or near the outdoor play area, an appropriate fence shall be provided to safeguard the children involved in the outdoor activity;
 - (b) Pets, if present, must be physically controlled or restrained, and proof of vaccination shall be available for cats and dogs; and
 - (c) The grounds shall be kept neat and clean, free from insects and rodents, and properly sloped or drained to prevent stagnant water collection.

The use of the nearest park or open space, instead of a playground within preschool premises, as outdoor activity space does not excuse the Owner and/or Director from ensuring that the above regulations are met.

30 Sec. 28. *Use of School Building.* The building from where the preschool operates
31 shall be used solely for educational purposes. Its conversion into a residential or
32 commercial purpose, even if done after class hours, shall be strictly prohibited.

34 Sec. 29. *Provision of Furniture, Equipment and Related Materials.* The furniture,
35 equipment and materials allocated for the use of the school shall be of sufficient
36 quantity, quality and variety to meet the needs of the preschool children and shall be
37 arranged in a way as to facilitate learning, assure a balanced program of spontaneous
38 and structure activities, and encourage self-reliance in the children.

40 Sec. 30. *Provision of Safe Environment.* The preschool premises shall be free from
41 potential accident hazards such as diggings, uncovered wells, broken glasses, open
42 electric wires, unsafe electrical outlets, and other similar matters. The Owner and/or
43 Director shall provide the necessary safety measures and equipment to ensure that
44 preschool children may enjoy a healthy and hazard-free environment.

Chapter VI

QUALIFICATIONS OF PRESCHOOL PERSONNEL

50 Sec. 31. *Composition of Preschool Personnel.* There shall be preschool personnel in
51 each preschool institution which shall be basically composed of a director, teachers and
52 para- professionals.

1 For purposes of this Act, the Owner of the preschool institution shall be
2 considered part of the preschool personnel if he/she has contact with the students
3 therein.

4

5 Sec. 32. *The Director.* The Director shall plan, implement, supervise, monitor and
6 evaluate a school program along with the other competent members of the preschool
7 personnel. He/She shall possess the following qualifications:

- 8
- 9 (a) College degree in a discipline allied to education with at least eighteen (18)
10 units of preschool education course;
11 (b) Preferably with a masters degree in education; and
12 (c) At least *two* (2) years of very satisfactory work experience in a school setup.

13

14 The Director's experience in preschool teaching with very satisfactory
15 performance may, at the discretion of the Department, be considered in place of the
16 preschool education course units required.

17

18 Sec. 33. *The Teacher.* The teacher shall be directly in charge with the handling of
19 preschool children. He/She shall possess any of the following qualifications:

- 20
- 21 (a) Bachelor of Science degree with specialization in Family Life and Child
22 Development or Early Childhood Education or Kindergarten;
23 (b) Bachelor of Science in Elementary Education with eighteen (18) units in
24 Preschool Education and fifty-four (54) hours of practicum in preschool
25 classes; or
26 (c) Bachelor of Arts/Science degree in a discipline allied to education, arts,
27 nursing, or anthropology with eighteen (18) units of preschool education.

28

29 *Provided,* That upon appointment, the teacher shall have at least six (6) units of
30 preschool education subject: *Provided, further,* That the requirement of eighteen (18)
31 units of preschool education may be gradually implemented as follows:

- 32
- 33 (a) At the end of Year 1, nine (9) units shall already be earned;
34 (b) At the end of Year 2, twelve (12) units;
35 (c) At the end of Year 3, fifteen (15) units; and
36 (d) At the end of Year 4, eighteen (18) units.

37

38 Sec. 34. *The Para-Professional.* The para-professional, employed as a teacher aide,
39 teacher helper, or assistant teacher, shall have the following qualifications:

- 40
- 41 (a) Should at least be a high school graduate; and
42 (b) Has attended training on preschool education for at least one hundred twenty
43 (120) hours with a certificate from a recognized training institution or
44 professional organization.

45

46 Sec. 35. *Personnel for Emergency.* The preschool institution shall, at all times, have
47 standby personnel within the school premises that are trained in emergency medical
48 first aid response.

1

Chapter VII

DUTIES AND RESPONSIBILITIES OF THE PRESCHOOL PERSONNEL

2

3

4 Sec. 36. *General Responsibilities.* The preschool personnel shall have the following
5 general responsibilities:

- 6
- 7 (a) Promote and protect the physical, moral, intellectual and social well-being of
8 the preschool children;
- 9 (b) Provide the preschool children with proper care and nutrition;
- 10 (c) Take all measures to protect the preschool children from all forms of neglect,
11 abuse, cruelty and exploitation, and such other conditions that are prejudicial
12 to their safety and development;
- 13 (d) Ensure that the standards prescribed under this Act and such other rules,
14 regulations and orders relative to the concerns of preschool children are
15 properly observed and followed;
- 16 (e) Perform his/her duties in accordance with the policy declared and the
17 responsibilities prescribed under this Act; and
- 18 (f) Uphold the best interest of the preschool children.
- 19

20 Sec. 37. *Academic Responsibilities.* The preschool personnel shall likewise have the
21 following academic responsibilities:

- 22
- 23 (a) Improve professionally by keeping himself/herself abreast with the latest
24 trends and techniques in preschool education and child care;
- 25 (b) Assume, promote and maintain an atmosphere conducive to the child's
26 learning; and
- 27 (c) Be knowledgeable on the rights of the child as provided for in the Convention
28 on the Rights of the Child and on other existing laws and to uphold these
29 rights in the performance of their duties.
- 30

31 Sec. 38. *Adequate Supervision.* The preschool personnel designated by the owner
32 to take charge of the preschool children shall be responsible in providing adequate
33 supervision and control over the children in attendance.

34 The preschool personnel shall have adequate knowledge on the whereabouts of
35 each and every preschool child in attendance and shall always position themselves
36 within the sight or hearing distance of every child under their supervision.

37 Negligence or willful lack of supervision on the part of the preschool personnel
38 shall be a basis for suspension or revocation of the preschool's permit to operate,
39 without prejudice to the imposition of the appropriate penalties as prescribed under
40 Chapter XI of this Act.

41 Sec. 39. *Discipline of Children.* No preschool personnel shall be allowed to inflict
42 any form of physical punishment on any child in attendance as a means of imposing
43 discipline.

44 Preschool personnel shall also be prohibited to impose discipline to a preschool
45 child through any of the following means: abusive or profane language; denial of food;
46 forced napping; subjection to derogatory remarks about the child or his/her family;
47 threats of physical punishment; yelling or screaming; or any other similar forms of
48 discipline.

1 Sec. 40. *Overall Obligation.* Unless otherwise provided herein, compliance with all
2 the standards imposed by this Act shall be the responsibility of the Owner of the
3 preschool institution. Failure to comply with these standards shall merit the imposition
4 of appropriate penalties for the owner without prejudice to the imposition of liability
5 against any other member of the school's personnel if found to have committed any act
6 of negligence.

Chapter VIII

FEES, CONTRIBUTIONS AND DONATIONS

Sec. 41. *School Fees.* The preschool institution shall determine its rate of tuition, miscellaneous fees and other charges. The fees and other charges imposed by the preschool and their application and use shall be subject to the rules and regulations issued by the Department.

18 The application for permit of new preschool shall include information on tuition,
19 miscellaneous fees, and other charges.

Sec. 42. *Authority to Regulate School Fees.* The Department shall have the authority to regulate the fees charged by a preschool institution based on the pre-established objective standards that the fees charged shall not be arbitrary, excessive and onerous.

The pre-established standards that determine whether the fees charged are arbitrary, excessive and onerous may relate to indicators such as profit margin and rate of increase. Qualitative factors such as improvement of facilities, qualifications of teaching and non-teaching personnel, and quality of curriculum offered may also serve as indicators together with the quantitative factors for the purpose of determining if the fees charged by a preschool institution are fair and reasonable.

32 Sec. 43. *Prohibition on Contribution and Solicitation.* A preschool institution shall be
33 prohibited from collecting any kind or form of contribution and solicitation as a
34 precondition for the preschool children's continued school admission or for their
35 completion of the program.

Sec. 44. Issuance of Official Receipt. A preschool institution shall be required to issue an official receipt for all fees, charges and contributions received in the course of its operations.

41 Sec. 45. *Report of Financial Performance.* The owner of the preschool institution,
42 upon application for renewal of permit to operate, shall submit to the Department a
43 copy of the financial performance of the preschool for the previous year or for a longer
44 period as may be determined by the Department

46 The financial report shall expressly indicate amount of tuition, miscellaneous fees,
47 other charges, gifts and donations collected and/or received by the preschool
48 institution during the period covered by the report.

Chapter IX

RULE IN ADMISSION

Sec. 46. Non-discrimination in Admission. No child shall be refused admission in a preschool institution on the basis of legitimacy or illegitimacy, sex, social status, religion, political antecedents, and other related factors. As such, the preschool institution shall not require the submission of any of the following documents as requisites for enrolment:

- (a) marriage certificate of parents;
 - (b) baptismal certificate of the child;
 - (c) income tax return of parents/guardian; and
 - (d) all other documents solely intended to identify the child's legitimacy or illegitimacy, sex, social status, religion, political antecedents, and other related factors.

The policy against non-discrimination shall be read in consonance with the principles of religious freedom in cases where the entity operating the preschool is a religious institution.

Sec. 47. Atmosphere of Tolerance and Acceptance. The preschool institution shall promote an atmosphere of tolerance and acceptance. No child shall be disadvantaged, treated differently or discriminated in any manner in a preschool on the basis of the factors described in the preceding section.

Chapter X

IMPLEMENTING AND REGULATING AUTHORITY

Sec. 48. Implementing Agency. The authority to regulate the organization, operation and/or implementation of the preschool education program shall be vested upon the Department, through the Bureau of Elementary Education.

Sec. 49. Duties, Powers and Functions. The Department shall have the following duties, powers and functions:

- (a) To oversee and supervise the implementation of the preschool education program throughout the country;
 - (b) To authorize the opening of preschool education classes in all private schools, including the registration and accreditation of private preschool institutions and order closure of the same if found violating Department rules and regulations and/or found operating without a permit or Certificate of Recognition;
 - (c) To develop the curriculum for preschool education consistent with the universally accepted norms and standards, including values formation, and to periodically review such for purposes of upgrading;
 - (d) To conceive, develop and extend a regular training program to preschool education teachers to ensure constant updating of their knowledge in modern trends, methodologies and concepts on early childhood education;
 - (e) To prescribe the necessary qualifications for the hiring and accreditation of teachers who will handle the preschool education program; and
 - (f) To formulate the necessary guidelines and regulatory standards in connection with the operation of private preschool institutions.

Chapter XI

LIABILITIES AND PENALTIES

Sec. 50. Unauthorized Preschool Operation. Any person operating a preschool institution without a permit or authority from the Department shall suffer the penalty of at least one (1) month imprisonment and/or a fine not exceeding Five Thousand Pesos (P5,000.00) for every day of operation without a permit to operate, subject to the discretion of the Court.

The person liable under this section may or may not be the owner of the preschool institution being operated without a permit or authority.

Sec. 51. Administrative Sanctions. The Department shall prescribe and impose administrative sanctions against the Owner of the preschool institution that it may deem reasonable and appropriate for any of the following causes:

- (a) Unauthorized operation of a preschool, without prejudice to the filing of a case against the owner pursuant to the immediately preceding section;
 - (b) Negligence or wilful lack of supervision of children;
 - (c) Failure to comply with any of the obligations or standards prescribed by this Act;
 - (d) Gross inefficiency of the teaching or non-teaching personnel; or
 - (e) Fraud or deceit committed in connection with the application for a permit or recognition.

The imposition of administrative sanctions by the Department shall be limited only to the following:

- (a) Suspension or revocation of permit to operate;
 - (b) Temporary or permanent closure of the preschool facility and service;
 - (c) Fines and penalties; and
 - (d) Prohibition to operate a preschool service or facility or any other educational institution.

Sec. 52. Civil Penalties. Any preschool personnel, who shall commit any act or omission, whether intentional or due to negligence, related to the preschool operations that may have resulted to any damage or injury on the child enrolled therein, shall be liable to pay damages, fines and/or other civil penalties.

Sec. 53. Penal Provisions. In addition to the imposition of any of the above administrative sanctions or civil penalties, preschool personnel found to have violated any provision of this Act shall be liable to the penal sanctions prescribed under the Revised Penal Code and other special laws with penal provisions such as the Child and Youth Welfare Code, the Anti-Child Abuse Act, and the Juvenile Justice and Welfare Act.

Sec. 54. Liability of a Corporation. If any of the foregoing acts or omissions is committed by a corporation, the President and the responsible officers of the corporation and/or other persons responsible for the offense or violation shall be held liable for the administrative, civil and penal sanctions.

Chapter XII

FINAL PROVISIONS

4 Sec. 55. *Implementing Rules and Regulations.* The Department of Education shall,
5 upon consultation with the Department of Social Welfare and Development,
6 Department of Health and the Department of the Interior and Local Government,
7 promulgate the necessary Implementing Rules and Regulations within ninety (90) days
8 after the effectivity of this Act.

Sec. 56. *Transitory Provision.* Preschool institutions that are already in operation and have been complying with the orders issued by the Department prior to this Act shall be given one (1) year from the effectiveness of this Act to comply with the standards prescribed herein.

15 Sec. 57. *Statutory Construction.* In case of doubt, the interpretation of any of the
16 provisions of this Act shall be construed liberally in favor of the protection and
17 promotion of the paramount interest of the preschool child.

19 Sec. 58. *Separability Clause.* If any provision of this Act is held invalid or
20 unconstitutional, the same shall not affect the validity and effectivity of the other
21 provisions thereof.

23 Sec. 59. *Repealing Clause.* All laws, decrees, executive orders and rules and
24 regulations, or parts thereof, that are contrary to or inconsistent with the provisions of
25 this Act are hereby repealed or modified accordingly.

27 Sec. 60. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its
28 publication in at least two (2) newspapers of general circulation.

30 *Approved,*