



**IMPLEMENTING RULES AND REGULATIONS
OF
REPUBLIC ACT NO. 9155
(GOVERNANCE OF BASIC EDUCATION ACT OF 2001)**

Pursuant to Section 14 Republic Act No. 9155, otherwise known as “Governance of Basic Education Act of 2001,” hereinafter referred to as the “Act”, the following are hereby promulgated:

**Rule I
THE DEPARTMENT OF EDUCATION (DepEd)**

Section 1.1. Mandate. The Department of Education shall protect and promote the right of all citizens to qualify basic education and shall take appropriate steps to make such education accessible to all. The Department of Education shall establish, maintain, and support a complete, adequate, and integrated system of basic education relevant to the needs of the people and society. It shall establish and maintain a system of free and compulsory public education in the elementary level and free public education in high school level. All educational institutions shall inculcate patriotism and nationalism, foster love 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. The Department of Education shall take into account regional and sectoral needs and conditions and shall encourage local planning in the development of educational policies and programs.

Section 1.2. Principles. Implementation of the Act and the application of these Rules shall be guided by the following principles:

- i. The Department of Education must serve the students and the teachers, its primary constituents;
- ii. The principals, school administrators and teachers-in-charge (hereinafter collectively referred to as school heads) must exercise instructional leadership and sound administrative management of the school;
- iii. The school is the heart of the formal education system and the seat of learning;
- iv. The parents and the community shall be encouraged for active involvement in the education of the child. The participation,

coordination between and among the schools, the ,local school boards, the Parent Teachers Associations (PTAs) must be maximized;

- v. Volunteerism from among all sectors shall be emphasized and encouraged to ensure sustainable growth and development in education.

Section 1.3. Purposes and Objectives. The purposes and objectives of the Act and these Rules are:

- i. To provide the framework for the governance of basic education which shall set the general directions for educational policies and standards and establish authority, accountability and responsibility for achieving higher learning outcomes;
- ii. To define the roles and responsibilities of, and to provide resources to the regions, schools division and schools which shall implement educational programs, projects and services in communities they serve;
- iii. To make schools and learning centers the most important vehicle for the teaching and learning of national values and for developing Filipino learners, love of country and pride in its rich heritage;
- iv. To ensure that schools and learning centers receive the kind of focused attention they deserve and the kind of educational programs, projects and services they need taking into account the interest of all the members of the community;
- v. To enable the schools and learning centers to reflect the values of the community by allowing teachers and other staff the flexibility to serve the needs of all learners;
- vi. To encourage local initiatives for the improvement of schools and learning centers and to provide the means by which these standards may be achieved and sustained; and
- vii. To establish schools and learning centers, and other school facilities where schoolchildren are able to learn a range of core competencies prescribed for elementary and high school programs or where the out-of-school youth and adult learners are provided alternative learning programs and receive accreditation at least the equivalent of an elementary or a high school education.

Section 1.4. Definition of Terms. – For purposes of this Act, the terms and phrases used shall mean or be understood as follows:

- a) **Quality Education** is the appropriateness, relevance and excellence of the education given to meet the needs and aspirations of an individual and society.
- b) **Basic Education** is the education intended to meet basic learning needs which lays the foundation on which subsequent learning can be based. It encompasses early childhood, elementary and high school education as well as alternative learning systems for out-of-school youth and adult learners and includes education for those with special needs.
- c) **Early Childhood** refers to the level of education that intends to prepare 5-6 year old children (one year before Grade One) for formal schooling and at the same time narrow down adjustment and learning gaps. This level focuses on the physical, social, moral and intellectual development through socialization and communication processes.
- d) **Elementary Education** shall refer to the first stage of free and compulsory, formal education primarily concerned with providing basic education and usually corresponding to six or seven grades. Elementary education can likewise be attained through alternative learning system.
- e) **Secondary Education** shall refer to the stage of free formal education following the elementary level concerned primarily with continuing basic education usually corresponding to four years of high school. Secondary education can likewise be attained through alternative learning system.
- f) **Special Needs Education** shall refer to the education of children and youth with special needs corresponding to elementary and secondary education that require modifications of school practices, curricula, programs, special services and facilities. These include children and youth who are gifted/talented, fast learners and those with disabilities.
- g) **Formal Education** is the systematic and deliberate process of hierarchically structured and sequential learning corresponding to the general concept of elementary and secondary level of schooling including education for those with special needs. At the end of each level, the learner needs a certification in order to enter or advance to the next grade/year level.

- h) **Non-Formal Education** is any organized systematic educational activity carried outside the framework of the formal system to provide selected types of learning to a segment of the population.
- i) **Information Education** is a lifelong process of learning by which every person acquires and accumulates knowledge, skill, attitudes and insights from daily experience at home, at work, at play and from life itself.
- j) **Alternative Learning System** is a parallel learning system to provide a viable alternative to the existing formal educational instruction, It encompasses both the non-formal and informal sources of knowledge and skills.
- k) **Teacher** refers to a person engaged in teaching in the elementary and secondary levels, whether on full-time or part- time basis including industrial arts and vocational teachers and all other persons performing supervisory, managerial and/or administrative functions in all schools and education offices at the district, division, regional and central levels and qualified to practice teaching under RA 7836 and/or those performing functions in support of education such as standards setting, policy and programs formulation, research and sector monitoring and evaluation.
- l) **Learning Facilitator-** This term is being used in the existing alternative and Equivalent Program (A & E) program. For purposes of consistency and proper reference there is a need to include the definition of a teacher in the formal system since being a learning facilitator is only one of their roles.
- m) **Learner** is any individual seeking basic literacy skills and functional life skill or support services for the improvement of the quality of his/her life.
- n) **Adult Learner** are learner aged 25 years and above who are illiterates or neoliterates who either have had no access to formal education and have reverted to illiteracy.
- o) **Out-of-School Youth** are school age children who are unable to avail of the educational opportunities of the formal school system or who have dropped out of formal elementary or secondary education.
- p) **School Heads** are persons responsible for the administrative and instructional supervision of the school or cluster of schools.

- q) **Non Teaching Personnel** refers to employees who are not actually involved in classroom teaching but indirectly and indispensably assisting in the delivery of service to educational constituencies and clientele, such as but not limited to the Administrative Officers, accountant, Personnel Officers, supply officers, Records Officers and other support staff of the central, regional, division, and school levels.
- r) **Operating Officers** refers to the Department of Education key officials in the central, region and/or schools division offices including school heads and administrators who are directly involved in the implementation, evaluation and monitoring of plans, programs and projects of the Department.
- s) **School** is an educational institution, private and public undertaking educational operation with a specific age-group of pupils or students pursuing defined studies at defined levels, receiving instruction from teachers, usually located in a building or a group of building in a particular physical or cyber site.
- t) **Cluster of Schools** is a group of schools which are geographically contiguous and brought together to improve the learning outcomes.
- u) **Integrated Schools** is a school that offers a complete basic education in one school site has unified instructional programs and under one (1) school head.
- v) **Field Offices** refers to the regional, division, school levels and learning centers.
- w) **School Sports** any sporting school activity which involve the students and school teachers/personnel as part of the school curriculum, focusing on physical fitness and sports development programs such as the training of school athletes, teachers coaches and officiating officials, and are engaged in intra-mural and extra-mural activities.

Section 1.5. Shared Governance.

- i. Shared governance as a principle recognizes that every unit in the education bureaucracy has a particular role, task, and responsibility inherent in the office and of which it is principally accountable for outcomes.
- ii. Democratic consultation shall be observed in the decision-making process involving shared goals at appropriate levels. Whenever

and wherever appropriate and feasible, the students, as the object and subject of instruction, shall be consulted on matters that affect their welfare and instructional needs. \operations shall be the responsibility of the operating officer concerned. Feedback mechanisms shall be established to ensure coordinate on and open communication, among the central office, the regional, division offices and school campuses.

- iii. The principle of accountability and transparency shall be operationalized in the performance of functions and responsibilities at all levels.
- iv. The communication channels of field offices shall strengthen and facilitate flow of information and expand linkages with other government agencies, local government units (LGUs) and non-government organizations (NGOs) for effective governance.

Rule II THE SECRETARY

Section 2.1. Powers, Duties and Functions. The Secretary of the Department of Education shall exercise overall authority and supervision over the operations of the Department. In addition to his/her powers, the Secretary of the Department of Education, hereinafter referred to as the “Secretary”, shall have the authority, accountability and responsibility for the following:

- 1) Formulating national educational policies;
- 2) Formulating a national basic education plan;
- 3) Promulgating national educational standards;
- 4) Monitoring and assessing national learning outcomes;
- 5) Undertaking national educational researchers and studies;
- 6) Enhancing the employment status, professional competence, welfare working conditions of all personnel and executing provisions on legal services of the Department;
- 7) Enhancing the total development of learners through local and national programs and/or projects; and
- 8) Exercising disciplinary authority subject to civil service laws, rules and regulations and procedure. The Secretary of Education shall be assisted by not more than four (4) undersecretaries and not more than four (4) assistant secretaries and directors of bureaus, services, center whose assignments, duties and responsibilities shall be governed by law. There shall be at least one undersecretary and one assistant secretary who shall be career executive service officers chosen from among the staff of the Department. The

powers, duties and functions of the undersecretary and the assistant secretary as provided under Chapter 2, Book IV of the Administrative Code of 1987 are herein restated and adapted, for providing services to the Department.

Rule III REGIONAL DIRECTOR

Section 3.1. The Regional Director. There shall be as many regional offices as many be provided by law. Each regional office shall have a director, an assistant director and office staff for programs promotion and support, planning, administrative, legal and fiscal services.

Section 3.2. Authority, Accountability and Responsibility of the Regional Director.- Consistent with the national educational policies, plans and standards, the regional director shall have authority, accountability and responsibility for the following:

- 1) Defining a regional educational policy framework which reflects the values, needs and expectations of the communities they serve;
- 2) Developing a regional basic education plan;
- 3) Developing regional educational standards with a view towards benchmarking for international competitiveness;
- 4) Monitoring, evaluating and assessing regional learning outcomes;
- 5) Undertaking research projects and developing and managing region wide projects which may be funded through official development assistance and/or funding agencies;
- 6) Ensuring strict compliance with prescribed national criteria for the recruitment, selection and training of all staff in the region and divisions;
- 7) Formulating in coordination with the regional development council, the budget, including utilization of fiscal resources, based on the identified priorities in the implementation of the regional educational plan which shall take into account the educational plans of the divisions and districts/schools;
- 8) Determining the organizational structure of the divisions and districts and approving the proposed staffing pattern of all employees in the divisions and districts;
- 9) Hiring, placing and evaluating all employees in the regional office, except for the position of assistant director;
- 10) Evaluating all schools division superintendents and assistant division superintendents in the region;
- 11) Planning and managing the effective use of all personnel, physical and fiscal resources of the regional office, development and establishment of procedures in monitoring and supervision of

- divisions/schools physical and fiscal resources, including professional staff development;
- 12) Managing the database and management information system of the region;
 - 13) Approving the establishment of public and private elementary and secondary schools and learning centers, subject to the set of standards and guidelines formulated by the Secretary of Education for this purposes;
 - 14) Performing oversight functions in the implementation of laws, policies, programs, rules and regulations within the responsibility of the Department of Education in the region; and
 - 15) Performing such other functions as may be assigned by the Secretary.

Section 3.3. Appointing and Disciplinary Authority of the Regional Directors. The regional director shall exercise appointing authority over all the employees in the regional office, except the assistant regional director subject to the civil service laws, rules and regulations, and the policies and guidelines to be issued by the Secretary of Education on the matter. The regional director likewise shall have disciplinary authority over the aforesaid personnel. Such exercise of disciplinary authority shall be subject to the civil service laws, rules and regulations, and procedures, and guidelines to be issued by the Secretary of Education.

Rule IV THE SCHOOLS DIVISION SUPERINTENDENT

Section 4.1. The Schools Division Superintendent.- A division shall consist of a province or city which shall have a schools division superintendent. There shall be at least one assistant schools division superintendent and office staff for programs promotion, planning, administrative, fiscal, legal, ancillary and other support services.

Section 4.2. Authority, Accountability and Responsibility of the Schools Division Superintendent.- Consistent with the national educational policies, plan and standards, the schools division superintendents shall have authority, accountability and responsibility for the following:

- 1) Developing and implementing division education development plans;
- 2) Planning and managing the effective and efficient performance of all personnel, physical and fiscal resources of the division, including professional staff development;
- 3) Hiring, placing and evaluating all division supervisors and schools district supervisors as well as all employees in the division, both

- teaching and non-teaching personnel, including school heads, except for the assistant division superintendents;
- 4) Monitoring the utilization of funds provided by the national government and the local government units to the schools and learning centers;
 - 5) Ensuring compliance of quality standards for basic education programs and for this purpose strengthening the role of division supervisors as subject area specialists;
 - 6) Promoting awareness of and adherence by all schools and learning centers to accreditation standards prescribed by the Secretary of Education;
 - 7) Supervising the operations of all public and private elementary, secondary and integrated schools, and learning centers, and
 - 8) Performing such other functions as may be assigned by the Secretary and/or Regional Director.

Section 4.3. Appointing and Disciplinary Authority of the Schools Division Superintendent. The schools division superintendent shall appoint the division supervisors and school district supervisors as well as all employees in the division, both teaching and non-teaching personnel, including school heads, except for the assistant schools division superintendent, subject to the civil service laws, rules and regulations, and the policies and guidelines to be issued by the Secretary of Education for the purpose. The schools division superintendent shall have disciplinary authority only over the non-teaching personnel under his jurisdiction. Such exercise of disciplinary authority by the schools division superintendent over the non-teaching personnel shall be subject to the civil service laws, rules and regulations, and procedures and guidelines to be issued by the Secretary of Education relative to this matter. The Regional Director shall continue exercising disciplinary authority over the teaching personnel insofar as the latter are covered by specific and Magna Carta for Public School teachers (R.A. No. 4670).

Rule V

THE SCHOOLS DISTRICT SUPERVISOR

Section 5.1. The Schools District Supervisor. A school district shall have a school district supervisor and office staff for program promotion. The schools district supervisor shall primarily perform staff functions and shall not exercise administrative supervision over school principals, unless specifically authorized by the proper authorities. The main focus of his/her functions shall be instructional and curricula supervision aimed at raising academic standards at the school level. The schools district supervisor shall be specifically responsible for:

- 1) Providing professional and instructional advice and support to the school heads and teachers/facilitators of schools and learning centers in the district or cluster thereof;
- 2) Curricula supervision; and
- 3) Performing such other functions as may be assigned by the Secretary, Regional, Directors and Schools Division Superintendents where they belong. The schools district supervisor being mentioned in this section shall refer to a public schools district supervisor.

Section 5.2. The Schools District. A school district already existing at the time of the passage of this Act shall be maintained. However, an additional school district may be established by the regional director based on criteria set by the Secretary and on the recommendation of the schools division superintendent. For this purpose, the Secretary of Education shall set standards and formulate criteria as basis of the Regional Director in the establishment of an additional school district.

Rule VI THE SCHOOL HEAD

Section 6.1. The School Head. There shall be a school head for all public elementary schools and public high schools or a cluster thereof. The establishment of integrated school from existing public elementary and public high school shall be encouraged, subject to the guidelines that will be issued for the purposed by the Secretary of Education.

The school head, who may be assisted by an assistant school head, shall be both an instructional leader and administrative manager. The school head shall form an instructional leader and administrative manager. The school head shall form a team with the school teachers/learning facilitators for delivery of quality educational programs, projects and services. A core of non-teaching staff shall handle the school's administrative, fiscal and auxiliary services.

Section 6.2. Authority, Accountability and Responsibility of the School Head. Consistent with the law, national educational policies, plans and standards, the school head shall have authority, accountability and responsibility for the following:

- 1) Setting the mission, vision, goals and objectives of the school;
- 2) Creating an environment within the school that is conducive to teaching and learning;

- 3) Implementing, monitoring and assessing the school curriculum and being accountable for higher learning outcomes;
- 4) Developing the school education program and school improvement plan;
- 5) Offering educational programs, projects and services which provide equitable opportunities for all learners in the community;
- 6) Introducing new and innovative modes of instruction to achieve higher learning outcomes;
- 7) Administering and managing all personnel, physical and fiscal resources of the school;
- 8) Recommending the staffing complement of the school based on its needs;
- 9) Encouraging and enhancing staff development;
- 10) Establishing school and community networks and encouraging the active participation of teacher organizations, non-academic personnel of public schools, and parents-teachers-community associations;
- 11) Accepting donations, gifts, bequests and grants in accordance with existing laws and policy of the department for the purpose of upgrading teachers/learning facilitators' competencies, improving and expanding school facilities and providing instructional materials and equipment. Such donations or grants must be reported to the division superintendents; and
- 12) Performing such other functions as may be assigned by the Secretary, Regional Director and Schools Division Superintendents where they belong.

Rule VII ORGANIZATIONAL SUPPORT

Section 7.1. Organizational structure and Staffing Pattern. The existing organizational structure or set-up of the Department of Education for programs promotion and support, planning, administrative, fiscal, legal ancillary and other support services shall be maintained at the national, regional, division and school level. However, in order to ensure their consistency with the mandate of the Department of Education pursuant to this act, the national education policies, plan and standards, the Secretary of Education shall direct the conduct of review and evaluation of the present organizational structure and staffing

patter at all levels. The result of the evaluation and findings may be the basis of the Secretary of Education to recommend changes and modifications in the present organizational structure and staffing pattern with the appropriate authorities, subject to pertinent provisions of laws, rules and regulations on the matter.

Section 7.2. Review and Rationalization of the Organizational Structure and Staffing Pattern. For an efficient and effective management of the school in the region, the secretary shall task the Regional Director to:

- A) Review and rationalize the existing organizational structure and staffing pattern of the different organizational units in the regional office, division office, district office and school for recommendation on their possible modification or change to the secretary of Education and the Department of Budget and Management (DBM) within a reasonable period of time which must be not later than sixty (60) days from the effectivity of this implementing rules and regulations;
- B) Study on the specific delineation of roles and responsibilities between and among district/division regional supervisor. The result of said study shall be submitted within a reasonable period of time to the Department of Budget and Management as the basis for a possible change in their position titles, classification and salary grades.

Rule VIII
EQUITABLE, DIRECT AND IMMEDIATE
RELEASE OF RESOURCES TO THE FIELD OFFICES

Section 8.1. Equitable, Direct and Immediate Release of Resources to the Field Offices. In line with the decentralization of fiscal management to the level of field offices, the Secretary of Education is tasked to:

- a) Rationalize the allocation and distribution of the resources provided by the national government for the field offices. In this regard, the Secretary of Education shall formulate an allocation system, using among other factors, the uniqueness of the working conditions of the teaching service in the locality, to equitably distribute resources to the field offices.
- b) Establish and develop a procedure to directly and immediately release to the regional and field offices (elementary school, secondary school and schools division) all appropriations and resources intended for them by thenational government which may include but are not limited to personnel services, maintenance and other operating expenses (MOOE), desks, textbooks and repair and maintenance of school buildings.

- c) Establish and develop a reporting system on the utilization of funds by the aforesaid field offices to the Department of education, Central Office and the Department of Budget and Management. For this purpose, the Secretary of Education shall create a task force to work and coordinate closely with the Department of Budget and Management for the promulgation of joint guidelines on the allocation, distribution and utilization of such resources. The task force shall be given sixty (60) days upon the effectivity of this implementing rules and regulations to submit the final draft of the joint guidelines to the Secretaries of Education and Department of Budget Management for their approval.

Rule IX

ADOPTION OF PERSONNEL POLICIES, RULES AND REGULATIONS TO SUIT THE REQUIREMENT AND UNIQUENESS OF THE TEACHING SERVICE

Section 9.1. Personnel Policies, Rules and Regulations for the Teaching Service. The Secretary of Education shall ensure the adoption, promulgation and implementation of personnel policies, rules and regulations that will best meet the requirement and uniqueness of the working conditions of the teaching service in the locality. Towards this end, he/she is mandated to:

- a) Review and evaluate the existing personnel policies, rules and regulations issued and implemented by the Department of Education affecting recruitment, selection, hiring, appointment, promotion, deployment, dismissal and retirement.
- b) Based on the result of the evaluation and findings, in coordination and in consultation with the Civil Service Commission and other government agencies concerned, adopt and promulgate personnel policies, rules and regulations regarding the abovementioned areas that will serve best the interest of the teaching service.

Rule X

ISSUANCE OF THE RULES AND REGULATIONS THAT WILL GOVERN THE UTILIZATION OF RESOURCES OF THE FIELD OFFICES

Section 10.1. Support and assistance of the Commission on Audit. The Secretary of Education shall seek the support and assistance of the chairman of the Commission on Audit (COA) in order that the aforesaid commission may issue audit rules and regulations that will grant greater flexibility to the field offices of the utilization and disposition of their available resources in the discharge of their mandate and functions as well as the liquidation of advances, recording and reporting thereof. The Secretary of Education shall

recommend to the Commission on audit (COA) the necessary audit rules and regulations that will govern the utilization of all available resources taking into account the following:

- a) Different characteristic and distinct features of the field offices.
- b) Organizational set-up in the field office.
- c) Nature of the operations of the schools and learning centers.

Rule XI RECRUITMENT, SELECTION AND APPOINTMENT

Section 11.1. Recruitment, Selection and Appointment of Officials and Employees in the Department of Education. Selection of the officials and employees for appointment in the Department of Education shall be anchored on the principles of merit, competence, fitness and equality and shall be open to all qualified candidates/applicants regardless of gender, civil status, religion, ethnicity or political affiliation. Likewise, in no case shall discrimination be made against applicants who are differently abled persons. The approved Merit Selection plan shall be used as one of the basis for the approval of appointments.

Section 11.2. Selection and Promotions Board for Third Level Positions. The Secretary of Education shall create a selection and promotions board for the third level positions, which shall formulate and implement a system of promotion for regional directors, assistant regional directors, bureau/center/service directors, schools division superintendents and assistant schools division superintendents. No appointment to the positions of regional director, assistant regional directors, bureau/service/center directors and schools division superintendents shall be made unless the appointee is a career service executive officer. Appointees to the positions of assistant schools division superintendent shall either be a Superintendent eligible or a Career Executive Service Officer (CESO). All of these officers preferably shall have risen from the ranks. For the purpose of this rule, the term "Career Executive Service Officer" shall include Career Executive Service Eligible (CESE).

Section 11.3. Selection and Promotions Board for First and Second Level Positions at the Central and Regional Offices. There must be a Selection and Promotions Board for the first and second level positions to be created at the Central and Regional Offices, the composition of which shall be governed by the pertinent provisions of the civil service laws, rules and regulations, and policies and guidelines to be issued by the Secretary of Education. Whenever necessary the Secretary of Education may create a task force to review and evaluate regularly existing policies and guidelines on the following:

- a) Composition and membership of the selection and promotions board at the central and regional levels;
- b) Selection and appointment of personnel at the central and regional levels; and
- c) On other matters relative to selection and appointment of personnel. The said task force shall recommend to the Secretary of Education within a reasonable period of time which shall not be more than sixty (60) days from the effectivity of this implementing rules and regulations, the necessary changes and revision of policies, procedures, and issuances pertaining to the above matters.

Section 11.4. Schools Division Selection/Promotions Board. There must also be created a Division Selection/Promotion's Board at the provincial and city levels, the composition and membership of which shall be governed by the pertinent provisions of the civil service laws, rules and regulations, and policies and guidelines to be issued by the Secretary of Education. The aforesaid board shall formulate and implement a system of promotion for the teaching and non-teaching staff at the division, district and school levels. Whenever necessary, the Secretary may direct the creation of a task force which shall compose of staff in the division office to review and recommend to him the following:

- a) Composition and membership of the selection and promotions board at the division and school levels; and
- b) The policies and guidelines to be promulgated covering selection and appointment of personnel at the division, district, and school levels;
- c) The policies and guidelines to be promulgated covering the promotion of personnel at the Division, District and School levels, including the criteria to be adopted on the promotion of school heads which shall be based mainly on the educational qualifications merit and performance of the candidates. The existing number of teachers and student in the school shall not be considered as one of the criteria in the promotion of school heads;
- d) A study shall also be undertaken on the existing qualification standards, salary grades and benefits of the school heads, result of which shall be used as basis of the Secretary of Education in recommending their possible modification with the appropriate authorities. Such qualification standards, salary grade allocation and benefits to be adopted for the school heads in the public elementary, secondary and integrated schools shall be uniformed.

Rule XII
ALTERNATIVE LEARNING SYSTEM

Section 12.1. Operationalization of Alternative Learning System. To effectively operationalize the alternative learning system in the elementary, secondary and special needs education, the Secretary shall come up with guidelines whenever necessary.

Rule XIII
CULTURE AND ARTS

Section 13.1. Culture and Arts. The Komisyon ng Wikang Pilipino, National Historical Institute, Records Management and Archives Office and the National Library shall no longer be with the Department of Education. In view of the foregoing, the aforesaid agencies shall now be administratively attached to National Commission for Culture and the Arts (NCCA). However, the program for school arts and cultures shall remain part of the school curriculum.

Rule XIV
ABOLITION OF THE BUREAU OF PHYSICAL EDUCATION AND SCHOOL SPORTS (BPES)

Section 14.1. Transfer of Detailed Personnel, All Functions, Programs and Activities Related to Sports Competition. In view of the abolition of the Bureau of Physical Education and School Sports, the Secretary of Education shall immediately transfer to the Philippine Sports Commission (PSC) the following:

- a) Personnel of the BPES who are presently detailed with the PSC without loss of rank, including the plantilla position they occupy.
- b) All functions, program and activities of the Department of Education related to sports competition. The Secretary of Education shall assign a Department of Education official who shall oversee the smooth and immediate transfer of personnel, records, documents, functions, programs and activities to PSC. A Memorandum of Agreement (MOA) shall be prepared and executed by the Department of Education and Philippine Sports Commission relative to the term and conditions of such transfer.

Section 14.2. Programs for School Sports and Physical Fitness. The program for school sports and physical fitness shall not be transferred to PSC but shall remain part of the basic education curriculum.

Section 14.3. Retention of Other BPES Personnel. BPES personnel who are presently assigned at the different organizational units of the personnel

who are presently assigned at the different organizational units of the Department of Education at the national, regional and division level shall be retained. In this connection, the Secretary of Education may require the review and evaluation of their present duties and responsibilities and assignment for a possible modification, conversion and reclassification of their position to a position commensurate to their present duties, responsibilities and assignment without loss of rank and reduction in pay.

Rule XV
FINAL PROVISIONS

Section 15.1. Separability Clause. If for any reason, any portion or provision of these Rules shall be declared illegal or unconstitutional, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 15.2. Repeating Clause. All rules and regulations, part of parts thereof, issued by the Department of Education which are inconsistent with the provisions of these Rules are hereby repealed or modified accordingly.

Section 15.3. Effectivity. These Rules shall take effect immediately after the required publication.

APPROVED, on November 29, 2002.

EDILBERTO C. DE JESUS
Secretary