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Specified but Unmonitored: A Documentary Gap Analysis of the Philippine Legal–Technical Framework Governing Accessibility in Public School Facilities

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ABSTRACT

Batas Pambansa Blg. 344 has required accessible design in Philippine educational institutions since 1983, and its 2024 Revised Implementing Rules and Regulations now prescribe accessibility dimensions precisely, yet most Philippine schools are reported non-compliant. This study asks why a well-specified standard produces so little measurable compliance in the public basic-education building stock, and examines the framework's architecture rather than its technical content. A qualitative directed content analysis was conducted on seven national legal and administrative instruments, coding each accessibility-relevant provision along three axes — prescriptive specificity, applicability to the existing building stock, and enforcement instrument — within a frame drawn from the implementation and regulatory-compliance literatures. Six structural gaps emerged. The operative duty attaches to the construction license rather than to the building in service, so no instrument creates a verification occasion for a school already in use; retrofit of pre-existing stock is expressed permissively; the penal clause, unchanged since 1983, presupposes a detection that never occurs; the inclusive-education cross-reference reaches only Inclusive Learning Resource Centers; sanitary facilities, the most frequently reported barrier, are the least audited element; and no compliance register or standard audit instrument exists. The framework therefore rests on a negative basis of compliance that the absence of detection has rendered unreachable, while constructing no affirmative basis. Comparison with Malaysia, Singapore and Indonesia indicates that a retrofit duty without verification or finance underperforms, whereas finance can move the existing stock even absent a mandate. The study concludes that the framework is specified but unmonitored. It specifies the funding, auditor calibration, instrument and governance channels through which state university extension could supply third-party audit, addresses the principal objections including unfunded mandates, and proposes four amendments that would institutionalise verification.

Keywords*:* Batas Pambansa Blg. 344; accessibility law; policy–implementation gap; regulatory enforcement; school facilities

INTRODUCTION

Accessibility in the built environment is a precondition for the exercise of the right to education, not an amenity added to it. A learner who cannot enter a classroom, negotiate a corridor, or use a sanitary facility without assistance is excluded from schooling by the building itself, irrespective of how inclusive the pedagogy inside it may be. The Philippines has recognised this in law for more than four decades. Batas Pambansa Blg. 344, approved on 25 February 1983, requires that licenses for the construction or renovation of buildings for public use — expressly including educational institutions — provide architectural facilities and structural features that enhance the mobility of persons with disabilities (Batas Pambansa Blg. 344, 1983).

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The scale of the population this framework serves is not marginal. The 2020 Census of Population and Housing recorded 8,469,426 persons aged five years and over with functional difficulty, representing 8.7 percent of the household population in that age range; 22.4 percent of them reported difficulty in walking or climbing steps, the functional domain most directly mediated by building design (Philippine Statistics Authority, 2022). Subsequent legislation has deepened the state commitment: Republic Act No. 11650, approved on 11 March 2022, institutes a policy of inclusion for learners with disabilities and expressly requires that Inclusive Learning Resource Centers comply with BP 344 and adopt universal design concepts (Republic Act No. 11650, 2022).

The technical content of the standard has also been substantially strengthened. The 2024 Revised Implementing Rules and Regulations of BP 344 prescribe accessibility requirements at a level of dimensional precision the original rules did not approach, specifying among others a minimum clear ramp width of 1,200 mm, a gradient no steeper than 1:20, level landings of not less than 1,800 mm at both ends of a ramp run, handrails at 700 mm and 900 mm above finished floor, and a minimum accessible toilet cubicle of 1,800 mm by 1,800 mm (National Council on Disability Affairs, 2024).

Against this progressively tightening normative framework, the empirical record is discouragingly flat. A national-scale review of the disability sector concluded that the majority of Philippine schools remain non-compliant with the Accessibility Law, and reported that 39.53 percent of surveyed respondents had encountered difficulty reaching school because of the general inaccessibility of the built environment, including absent ramps and unpaved or narrow approaches (Cruz et al., 2021). Case-based work in higher education found that three Bataan institutions had neglected the needs of persons with disabilities in facility planning altogether, responding to accommodation requirements on an ad hoc rather than a systematic basis (Paguio & Santos, 2020). In basic education, a survey of 114 teachers across twenty elementary schools identified the inaccessibility of toilets and other essential facilities for learners with mobility impairments as the single highest-rated infrastructure barrier (weighted mean 4.25), followed by inadequate classroom space for assistive devices and the absence of ramps (Factor & Saenz, 2025).

The conventional explanation for this divergence is a knowledge deficit: stakeholders do not comply because they do not know what the law requires. Recent evidence complicates that account. In a descriptive-correlational study of 220 building owners and persons with disabilities in Dumaguete City, both groups registered high knowledge of BP 344 requirements, yet no significant relationship emerged between knowledge level and the implementation challenges encountered, leading the authors to conclude that awareness alone does not guarantee effective implementation (Gaspar-Pacana & Cornelia, 2025). If the constraint were informational, better-informed respondents would report fewer obstacles. They do not.

This finding reorients the diagnostic question. If the standard is technically adequate and stakeholder awareness is reasonably high, then the persistence of non-compliance in the school building stock is more plausibly a property of how the regulatory framework is constructed than of what it prescribes or of who understands it. The present study therefore examines the framework itself as its object of analysis, reading it against the regulatory-compliance literature on the bases of compliance and the implementation literature on the decision points at which statutory intent dissipates, and situating the Philippine architecture against that of comparable jurisdictions in Southeast Asia facing the same verification problem.

Objectives of the Study

This study conducts a documentary gap analysis of the Philippine legal and administrative framework governing accessibility in public school facilities. Specifically, it seeks to:

1. map the accessibility-relevant provisions distributed across the principal statutory, regulatory, and administrative instruments applicable to Philippine public school facilities;

2. characterise each provision along three analytic axes — prescriptive specificity, applicability to the existing building stock, and the enforcement instrument attached to it;

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3. identify the structural discontinuities that permit a technically well-specified standard to coexist with widespread and undocumented non-compliance;

4. situate the resulting architecture against that of comparable Southeast Asian jurisdictions confronting the same verification deficit;

5. specify the operational requirements of the third-party audit function the analysis identifies, and address the principal objections to it; and

6. derive the institutional and policy implications of those discontinuities, with particular attention to the monitoring function in municipalities lacking resident technical capacity.

Scope and Delimitation

The analysis is confined to instruments of national application that are in force as of the period of analysis and that bear directly on the physical accessibility of educational facilities. It does not extend to local ordinances, to school-level policies, or to the separate body of law governing digital and communications accessibility. The study is documentary in design; it makes no claim regarding the actual compliance status of any particular school, and its findings concern the properties of the regulatory framework rather than the conduct of any agency or institution.

MATERIALS AND METHODS

Research Design

The study employs a qualitative documentary research design operationalised through directed content analysis. Directed content analysis is appropriate where prior theory or an existing framework supplies the initial coding categories, which are then applied systematically to a body of text and refined where the data require it (Hsieh & Shannon, 2005). The approach is well established in policy scholarship, where the object of inquiry is the internal structure of a normative corpus rather than the behaviour of human subjects. Because the data consist exclusively of published public documents, the design involves no human participants and required no ethics review; no primary field data were collected.

Document Corpus and Selection Criteria

A purposive corpus was assembled. Documents were included where they satisfied all three of the following criteria: (a) national applicability within the Philippine jurisdiction, or binding international obligation ratified by the Republic; (b) containing at least one provision that regulates the physical accessibility of buildings for public use or of educational facilities specifically; and (c) currently in force. Documents were excluded where they were subordinate issuances of purely internal administrative effect, where they had been expressly superseded, or where their accessibility provisions addressed only non-physical domains. The resulting corpus comprises the seven instruments set out in Table 1.

Table 1. Document corpus subjected to directed content analysis

Instrument	Year	Relevance to accessibility in school facilities
Batas Pambansa Blg. 344 (Accessibility Law)	1983	Primary statute; imposes the accessibility duty at the point of licensing for buildings for public use, expressly including educational institutions; supplies the penal clause.
2024 Revised IRR of BP 344	2024	Current technical standard; prescribes dimensional requirements for ramps, handrails, stairs, surfaces, sanitary facilities, and signage.
Presidential Decree No. 1096 (National Building	1977	Establishes the permitting architecture — building permit, inspection, certificate of occupancy — through

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Code) and its IRR		which the BP 344 duty is operationalized.
Republic Act No. 7277 (Magna Carta for Persons with Disability), as amended by RA 9442 and RA 10754	1992; 2007; 2016	Declares the right of persons with disability to equal access to education and public facilities; supplies the rights framework within which BP 344 operates.
Republic Act No. 11650 (Inclusive Education Act)	2022	Requires Inclusive Learning Resource Centers to comply with BP 344 and adopt universal design; assigns DPWH responsibility for accessible construction of ILRCs, roads, sidewalks, ramps, and railings.
Republic Act No. 10070 (Persons with Disability Affairs Office)	2010	Institutionalises a disability affairs office at the local government level, creating the nearest thing to a local monitoring actor.
UN Convention on the Rights of Persons with Disabilities, Article 9	2006; ratified 2008	Binds the State Party to identify and eliminate obstacles to accessibility in buildings including schools, and to monitor implementation.

Note. Instruments are listed in the order in which they enter the analysis, not chronologically. RA 7277 and its amendments are treated as a single instrument for coding purposes.

Theoretical Framing

The coding frame described in Section 2.4 was built against two bodies of scholarship, which also supply the vocabulary in which the findings are interpreted.

Implementation research has, since Pressman and Wildavsky (1973), understood the distance between a statute and its effect as populated by successive decision points at which implementation can fail, with failure at any single point sufficient to dissipate statutory intent. The logic bears directly on a framework whose operative effect turns on one decision point only. Where the number of clearance points is small, the probability of overall success rises — but so does the consequence of the single point being bypassed, because nothing downstream recovers it.

Regulatory-compliance research supplies the second frame, and the closest available analogue to the present object. Studying homebuilders' compliance with building codes, May (2004) distinguishes *affirmative* motivations, which arise from a sense of obligation to comply, from *negative* motivations, which arise from fear of the consequences of being found in violation, and finds that affirmative motivations matter a great deal in building regulation — concluding that residential building regulation is better understood as the fulfilment of a social contract than as compliance with an enforced directive. Winter and May (2001) report convergent findings, locating compliance in a combination of duty, calculated advantage, and social motivation rather than in deterrence alone.

This distinction organises the analysis that follows, and anticipates its central result. The Philippine framework rests its compliance architecture almost entirely on a negative basis — the penal clause of BP 344 Section 4 — and, as Section 3.2 will show, that basis is structurally unreachable because no provision creates an occasion on which a violation would be detected. What the framework conspicuously does not do is construct any affirmative basis: it gives a school head no information about the condition of their own building, no occasion on which compliance is observed or acknowledged, and no feedback of any kind against which a sense of obligation could attach to a particular facility. A framework that has disabled its negative basis and never built an affirmative one is not a weak compliance mechanism; it is, in the relevant sense, not a compliance mechanism.

Ayres and Braithwaite's (1992) responsive-regulation model reaches the same conclusion from the enforcement side. The enforcement pyramid, which escalates from persuasion through warning to progressively severe sanction, presupposes at every tier that the regulator knows what the regulated party is doing. Escalation is a response to observed conduct. A pyramid without a detection base has no tier it can

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occupy, which is a more exact description of the Philippine position than the familiar language of weak enforcement.

Finally, Lipsky's (1980) account of street-level bureaucracy anticipates an objection this study must take seriously rather than deflect: provisions coded here as imposing no duty may nonetheless be read expansively by the officials who apply them, so that practice exceeds text. That possibility is treated in Section 4.6.

Analytic Framework

Each accessibility-relevant provision in the corpus was extracted and coded along three axes derived from the regulatory-compliance literature and refined during a first pass through the corpus.

Axis A — Prescriptive specificity. Whether the provision states a verifiable performance requirement. Provisions were coded as *dimensional* where a measurable quantity is given, *qualitative* where a standard of conduct or design intent is stated without a measurable criterion, or *declaratory* where the provision expresses policy without imposing an operational duty.

Axis B — Applicability to the existing stock. Whether the provision binds buildings already constructed and in service. Provisions were coded as *prospective* where the duty attaches only to new construction, renovation, or permitting; *permissive* where retrofit is contemplated but expressed in non-mandatory terms; or *retroactive* where an unconditional duty is imposed on existing buildings.

Axis C — Enforcement instrument. The mechanism by which compliance is verified and non-compliance is consequenced. Provisions were coded by the trigger for verification — *permit-triggered*, *complaint-triggered*, *periodic*, or *none specified* — and by the sanction available.

A gap was recorded where the three axes produced a discontinuity: for example, where a provision is dimensionally specific (Axis A) but prospective only (Axis B), so that the specificity never reaches the existing stock; or where a duty is mandatory (Axis B) but no verification trigger exists (Axis C), so that compliance is unobservable.

Trustworthiness

Because documentary analysis is vulnerable to selective reading, three procedures were adopted. First, all coding was performed against primary texts obtained from official or official-of-record repositories, with secondary commentaries used only to locate provisions and never as the basis for a coded finding. Second, the coding frame was applied to the full corpus before any gap was formulated, so that the gaps reported are products of the frame rather than illustrations chosen to support a prior conclusion. Third, an audit trail linking each reported gap to the specific provisions generating it is presented in Table 3, permitting independent verification against the source instruments.

RESULTS

The Technical Standard is Specific and Current

Coding on Axis A establishes that the substantive content of the Philippine accessibility standard is not deficient. The 2024 Revised IRR of BP 344 states requirements in dimensional terms throughout, across the full range of elements implicated in school use. Representative provisions are set out in Table 2.

Table 2. Representative dimensional requirements, 2024 Revised IRR of BP 344

Element	Prescribed requirement	School element affected
Accessible ramp	Minimum clear width 1,200 mm; gradient not steeper than 1:20; a 1:20 gradient permits a run of up to 15.00 m, a 1:15 gradient up to 10.50 m	Entrance approaches; transitions between floor levels in ground-floor classroom blocks

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Ramp landings	Level area of not less than 1,800 mm at the upper and lower ends of the ramp run	Entry platforms; corridor junctions
Handrails	Provided on both sides of the ramp, at 700 mm and 900 mm from finished floor	Ramps, stairs, and corridors
Accessible toilet cubicle	Minimum area of 1,800 mm × 1,800 mm	School comfort rooms
Water closet	Centreline 450 mm from the finished face of the side wall; seat height 450 mm	School comfort rooms
Grab bars	Positioned 300 mm above the top of the toilet seat	School comfort rooms
Signage — luminance	Minimum luminance contrast of 30 percent against adjacent wall or surrounding surface	Wayfinding; identification of accessible facilities
Signage — symbol size	60 × 60 mm for viewing distances up to 7 m; 100 × 100 mm for 7–18 m; 200–450 mm beyond 18 m	Corridor and facility signage
Signage — mounting	Wall and door signage at a maximum height of 1,500 mm from finished floor	Classroom and facility doors

Note. Values as stated in the 2024 Revised Implementing Rules and Regulations of Batas Pambansa Blg. 344 (National Council on Disability Affairs, 2024). The table is illustrative of prescriptive specificity and is not an exhaustive restatement of the Rules.

On Axis A, therefore, the framework performs well. Every element that empirical studies identify as a recurring barrier in Philippine schools — ramps, handrails, sanitary facilities, signage — is governed by a measurable criterion. Non-compliance cannot be attributed to a standard that fails to say what compliance is.

Gap 1: The duty attaches to the permit, not to the building in service

The operative provision of BP 344 is Section 1, which directs that licenses for the construction or renovation of covered buildings shall provide for accessibility features (Batas Pambansa Blg. 344, 1983). The grammatical subject of the duty is the license. The statute regulates an administrative act — the issuance of a permit — rather than a continuing condition of the building.

This has a decisive consequence for enforcement architecture. Under Presidential Decree No. 1096, the permitting sequence culminates in the certificate of occupancy, after which no recurring inspection of accessibility features is required by any instrument in the corpus. A school building that satisfied the standard on the day its occupancy certificate issued, and whose ramp has since been obstructed by storage, whose accessible cubicle has been converted to a janitorial closet, or whose handrail has corroded away, remains in full formal compliance because no instrument creates an occasion on which the question is asked again. Coding on Axis C returned *none specified* for periodic verification across every instrument in the corpus.

Gap 2: Retrofit of the existing stock is expressed permissively

Section 1 of BP 344 contemplates buildings already constructed or already holding permits, providing that such buildings *may* comply with the requirements of the law. Coded on Axis B, the provision is permissive rather than retroactive. The significance of this for basic education is structural rather than technical: the great majority of the public school building stock in rural provinces predates either the statute itself or the maturation of its enforcement, and the instrument that would reach that stock declines to impose an unconditional duty on it.

The gap is therefore self-reinforcing. New construction is well regulated and comparatively compliant; the existing stock, which is where learners with disabilities are actually enrolled today, is reached by the standard

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only when a renovation happens to trigger a permit. In municipalities where school building renovation is episodic and externally funded, that trigger may not occur for a generation.

Gap 3: The penal clause has not been adjusted since 1983

Section 4 of BP 344 provides for imprisonment of not less than one month and not more than one year, or a fine of two thousand to five thousand pesos, or both at the discretion of the court, with corporate officers held responsible (Batas Pambansa Blg. 344, 1983). The monetary range was set in 1983 and has not been amended in the more than four decades since.

Two observations follow. First, whatever deterrent value the fine possessed at enactment has been eroded by four decades of price-level change; the sanction is now substantially below the cost of the compliant construction it is meant to compel, which inverts the economic incentive the penalty is supposed to create. Second, and more consequentially for public schools, the penal clause presupposes a prosecution, and a prosecution presupposes a detected violation. Where Gap 1 has removed the occasion for detection, the sanction is inoperative regardless of its magnitude. The deterrent is not weak so much as unreachable — which is to say, in the terms of Section 2.3, that the framework's negative basis of compliance has no mechanism of actuation.

Gap 4: The inclusive-education cross-reference is partial

Republic Act No. 11650 represents the most recent and most explicit legislative linkage between inclusive education and accessible construction. Section 6 requires that Inclusive Learning Resource Centers comply with the requirements of BP 344 and adopt universal design and universal design for learning concepts. Section 24(d) assigns the Department of Public Works and Highways the responsibility of ensuring that the ILRC, together with roads, sidewalks, ramps, and railings, is constructed and maintained in accordance with BP 344 and universal design concepts (Republic Act No. 11650, 2022).

The cross-reference is real but bounded. Its express object is the ILRC and its approaches. Ordinary classrooms, laboratories, libraries, and sanitary facilities in schools that do not host an ILRC are not brought within the cross-reference by its terms, and depend for their accessibility obligation on BP 344 alone — which, by Gaps 1 and 2, reaches them only at permitting. The statute that most clearly articulates the inclusive-education rationale for accessible school buildings therefore leaves the largest part of the school building stock where it found it.

Section 24(d) also illustrates a second feature. The provision assigns a construction and maintenance duty to DPWH, an agency whose accessibility audit programme, initiated in phases from 2018, had not advanced beyond its first phase at the time of the most recent published sector review, with first-phase results still under internal review (Cruz et al., 2021). The duty is allocated; the audit capacity to discharge it at the scale of the national school stock is not evidenced.

Gap 5: The most-reported barrier is the least-audited element

Sanitary facilities occupy a distinctive position. On Axis A they are among the most precisely regulated elements in the 2024 Revised IRR, governed by cubicle area, water closet placement, seat height, and grab-bar position (Table 2). In the empirical literature they are the most frequently and most highly rated barrier: toilet inaccessibility recorded the highest weighted mean among infrastructure barriers in Philippine elementary schools (Factor & Saenz, 2025).

Yet the school comfort room is also the element least likely to be examined by any external process. It is not visible from the approach, not photographed in turnover documentation, not inspected in routine school monitoring, and — being typically a detached or annexed structure in rural schools — frequently constructed outside the main building permit that would have carried the BP 344 condition. The conjunction of high regulatory specificity, high empirical salience, and near-zero audit exposure makes the sanitary facility the sharpest single illustration of the framework's central defect.

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Gap 6: No compliance register and no standard instrument exist

No instrument in the corpus establishes a register of accessibility compliance for educational facilities, prescribes a standard audit instrument by which compliance is to be assessed, or designates a repository to which assessment results are reported. Article 9 of the UN Convention on the Rights of Persons with Disabilities (United Nations, 2006) obliges States Parties to take appropriate measures to identify and eliminate obstacles to accessibility in buildings including schools, and to monitor implementation — an obligation that presupposes the measurement infrastructure the domestic framework does not supply.

The consequence is epistemic before it is practical. In the absence of a register and an instrument, the state cannot know the compliance status of its own school building stock, cannot prioritise retrofit expenditure by need, and cannot evaluate whether any intervention has improved matters. Republic Act No. 10070 places a Persons with Disability Affairs Office at the local government level, which is the nearest the framework comes to a local monitoring actor; but the office is not vested with building-inspection authority, is not resourced for technical audit, and is not linked to any reporting channel through which school-level findings would aggregate.

Synthesis of the gap structure

Table 3 consolidates the six gaps against the axes and provisions that generate them.

Table 3. Gap matrix: analytic axes, generating provisions, and consequence

Gap	Axis implicated	Generating provision(s)	Consequence for school facilities
G1. Duty attaches to the permit	C (verification trigger)	BP 344 Sec. 1; PD 1096 permitting sequence	No occasion exists on which an in-service school building is re-examined for accessibility.
G2. Permissive retrofit	B (applicability)	BP 344 Sec. 1, existing-building clause	Pre-1983 and pre-enforcement stock — where learners are enrolled now — carries no unconditional duty.
G3. Obsolete and unreachable penalty	C (sanction)	BP 344 Sec. 4	Fine set in 1983 and never adjusted; inoperative in any case for want of a detection mechanism.
G4. Partial inclusive-education cross-reference	B (applicability)	RA 11650 Secs. 6 and 24(d)	Express BP 344 obligation reaches ILRCs and their approaches, not the general classroom and sanitary stock.
G5. Audit blind spot in sanitary facilities	A × C	2024 Revised IRR (sanitary provisions); absence of inspection duty	The most precisely regulated and most frequently reported barrier is the least externally observed.
G6. No register, no instrument	C (measurement)	Corpus-wide absence; UNCRPD Art. 9 obligation unmet	Compliance status of the national school stock is unknown and unprioritisable.

Note. Axis A = prescriptive specificity; Axis B = applicability to existing stock; Axis C = enforcement instrument. Gap G5 arises from the interaction of Axes A and C rather than from either alone.

DISCUSSION

Specification is not the Binding Constraint

The principal analytic finding is that the Philippine accessibility framework fails at measurement and verification, not at specification. This reframes the policy problem. Calls to strengthen accessibility standards

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— to raise requirements, add elements, or tighten dimensions — address Axis A, which the 2024 Revised IRR has already addressed well. They leave Axes B and C untouched, and it is Axes B and C that determine whether any standard reaches a school building already in use.

The empirical literature converges on the same conclusion from the opposite direction. The Dumaguete finding that knowledge of BP 344 bears no significant relationship to the implementation challenges encountered (Gaspar-Pacana & Cornelia, 2025) is precisely what a verification-deficit model predicts: where compliance is unobserved, the informed and the uninformed face the same absence of consequence, and knowledge ceases to be the operative variable. The ad hoc pattern documented in Bataan higher education (Paguio & Santos, 2020) is likewise the behaviour a permit-triggered regime rewards, since accessibility becomes salient at the moment of construction approval and recedes thereafter.

Read through the compliance-motivation frame of Section 2.3, these findings are not anomalies but predictions. May (2004) found affirmative motivation to carry substantial weight in building-code compliance; the Philippine framework supplies no affirmative channel through which such motivation could attach to a particular school, because it generates no information about any particular school. The Bataan institutions did not lack obligation in the abstract. They lacked any occasion on which obligation became concrete — until accreditation, an external and scheduled assessment, supplied one.

The monitoring vacuum and the case for third-party institutional audit

If the framework does not generate compliance data, the question becomes who realistically can. Four candidate actors appear in the corpus, and each is constrained. The local building official acts at permitting and lacks a mandate for in-service inspection. DPWH holds the audit assignment under RA 11650 Section 24(d) but has not evidenced audit throughput at national school-stock scale (Cruz et al., 2021). The PDAO under RA 10070 is locally situated but not technically resourced or vested with inspection authority. The school itself is the duty-holder and cannot serve as its own auditor without compromising the independence that makes audit meaningful.

This leaves a structural opening for a fifth actor that the corpus does not contemplate: the state university or college, acting through its extension function. The institutional fit is unusually close. Engineering faculties possess the technical competence to apply dimensional standards; the extension mandate supplies a non-regulatory basis for entry that does not require enforcement authority; the geographic distribution of state universities places technical capacity within reach of municipalities that have none of their own; and the independence of the university from both the school and the permitting authority preserves the audit's evidentiary value. Crucially, a university audit produces exactly the artefact the framework lacks — a documented, instrument-based compliance record for a named facility — without requiring any amendment to take place first.

Two qualifications are necessary. First, a university audit has no coercive force; it converts an unobserved condition into a documented one, and relies on the school and the local government to act on the record. Its value is informational and reputational rather than sanctioning — which, in the terms of Section 2.3, is to say that it operates on the affirmative rather than the negative basis of compliance. Second, its evidentiary usefulness depends on the use of a standardised instrument. Audits conducted with ad hoc checklists produce findings that cannot be compared across schools or over time, and therefore cannot aggregate into the register the framework needs.

Because a proposal of this kind is easy to assert and hard to operate, the four design questions it must answer are specified in Table 4. The specification is deliberately conservative: each answer draws on an authority, an appropriation, or a reporting channel that already exists, because a proposal requiring new authority, new money, and new reporting simultaneously is a proposal that will not be adopted.

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Table 4. Operational specification of the university audit function

Design question	Specification	Why this is feasible without new authority
Who funds it	The audit is delivered as extension, drawing on the extension appropriation that state universities already receive, with partner contributions and local government counterpart fixed in the memorandum of agreement. The marginal cost is transport, instrument calibration, and consumables; the labour is faculty workload and supervised student practicum already funded for other purposes.	Extension is one of the four mandated functions of a Philippine state university and is an existing budget line, not a new one. No appropriation needs to be created for the audit to begin.
Who audits, and how are they trained	Two-person teams of faculty and senior students, calibrated through a short workshop on the prescribed criteria and measurement methods, then paired on initial audits until inter-rater agreement reaches a stated threshold before auditing independently. Competence rests on surveying, sanitary, and structural coursework already in the curriculum.	The underlying technical competence is already certified by the degree programme. What calibration adds is consistency of application, which is a training task of days rather than a qualification task of years.
What instrument is used	A single instrument whose items are traceable to specific prescribed criteria of the 2024 Revised IRR, expressed in measurable quantities, assessable within one non-disruptive site visit with basic survey instrumentation, and designed for repeat application so that successive audits are comparable.	The criteria already exist and are dimensional (Table 2). The instrument does not create a standard; it operationalises one the State has already promulgated.
How findings reach decisions	Findings are transmitted to the school head, the schools division, and the local government, for entry into instruments that already exist: the School Improvement Plan, the division's facility planning and capital proposals, the local Annual Investment Programme through the Local Development Council, and PDAO reporting under RA 10070.	No new reporting instrument or repository is required. The audit supplies content to planning documents that are already prepared annually and already contemplate facility needs.

Note. The specification describes minimum operating requirements, not a validated protocol. The development and psychometric validation of the instrument contemplated in row three is a distinct research task and is treated as a separate object of study.

Policy implications

Four amendments follow directly from the gap structure and are, in principle, achievable by administrative issuance rather than by legislation in three of the four cases.

1. **Attach a periodic verification trigger to the in-service building.** The most consequential single reform is to create an occasion on which accessibility is re-examined after occupancy — for example, by incorporating an accessibility module into existing school facility inventory and monitoring instruments, which already reach every public school annually. This addresses G1 at the lowest marginal cost of any available measure.

2. **Convert the retrofit clause from permissive to programmatic.** Without amending BP 344, the permissive character of the existing-building clause can be functionally overcome by making accessibility compliance a scored criterion in school building repair and rehabilitation fund allocation, so that retrofit competes on programme merit rather than waiting on a permit trigger.

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This addresses G2, and corresponds to the financing route that Section 4.4 shows Singapore to have taken in preference to a retrofit mandate.

3. **Extend the RA 11650 cross-reference by implementing rules.** The express BP 344 obligation in Section 6 can be read through the implementing rules to cover the facilities a learner with disability must traverse to reach and use the ILRC — necessarily including classrooms and sanitary facilities — rather than the ILRC structure alone. This addresses G4 and, by extension, G5.

4. **Prescribe a standard audit instrument and a reporting channel.** A single validated instrument, with results reported to a designated repository at division or regional level, is the minimum measurement infrastructure consistent with the monitoring obligation in Article 9 of the UNCRPD. This addresses G6 and makes G3 meaningful by supplying the detection on which any sanction depends.

The Philippine framework in regional perspective

The gaps identified here are not a Philippine peculiarity, and the ways neighbouring jurisdictions have addressed — or failed to address — the same structural problem bear directly on which of the four amendments above is likely to work. Table 5 summarises the comparison.

Table 5. Regulatory architecture for accessibility in the existing building stock, four Southeast Asian jurisdictions

Jurisdiction	Duty on existing stock	Verification trigger	Dedicated finance for retrofit	Reported outcome
Philippines	Permissive — existing buildings *may* comply (BP 344 Sec. 1)	Permit-stage only; no periodic occasion	None identified in the corpus	Majority of schools reported non-compliant (Cruz et al., 2021)
Malaysia	Retroactive — existing buildings required to comply within three years of the commencement of UBBL By-law 34A	Planning permission and building plan approval	None reported	Implementation, compliance and enforcement described as lax; public buildings only partially compliant (Kamarudin et al., 2014)
Singapore	Prospective — Code applies to new buildings and to existing buildings undergoing addition and alteration works	Plan submission for regulatory approval	Accessibility Fund co-funds voluntary upgrading of older stock	Code in force since 1990 and revised six times, most recently effective 1 November 2025 (Building and Construction Authority, 2025)
Indonesia	Comprehensive statutory protection under Law No. 8 of 2016	Not identified; monitoring mechanisms reported insufficient	None reported	Significant implementation gaps persist; local governments report lacking technical capacity and funding (Mursita, 2024)

Note. The comparison is at the level of regulatory architecture, not of outcome. Differences in state capacity, fiscal space, and urbanisation among the four jurisdictions are substantial, and the inferences drawn below concern mechanism design rather than transferable performance. Entries for Malaysia and Indonesia rest on the secondary sources cited; entries for Singapore rest on the regulator's own published materials.

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Three observations follow. The first is corroborative. Indonesia reports the combination this study identifies in the Philippines — comprehensive legal protection coexisting with insufficient monitoring mechanisms and local governments lacking the technical capacity and funding to enforce accessibility rules (Mursita, 2024). That the same conjunction appears in a jurisdiction with a different legal tradition and a far larger building stock suggests the Philippine pattern is a recognisable regulatory form rather than a local accident, and strengthens the case that the defect is architectural.

The second observation concerns Malaysia, and is the more instructive of the two for Philippine policy. Malaysia imposed precisely the duty the Philippines declined to impose: By-law 34A of the Uniform Building By-Laws required existing buildings to comply within three years of the by-law's commencement, a retroactive obligation with a deadline, where BP 344 Section 1 says only that existing buildings *may* comply (Kamarudin et al., 2014). Yet Malaysian implementation, compliance, and enforcement are described in the same review as lax, with earlier studies finding public buildings only partially compliant and ramps, lift dimensions, and toilet dimensions non-conforming — and with enforcement located at planning permission and building plan approval, which is the same permit-stage chokepoint this study identifies in the Philippine framework.

Malaysia therefore supplies something close to a natural counterfactual for Gap 2. If a retroactive duty on existing stock were sufficient, Malaysian compliance should substantially exceed Philippine compliance. The reported picture does not support that expectation. The inference is not that Gap 2 is unimportant but that Gap 1 is the binding constraint: a mandate addressed to the existing stock, unaccompanied by any post-occupancy occasion on which conformity is verified, does not by itself produce conformity. This materially strengthens the priority assigned to the first policy implication over the second.

The third observation concerns Singapore, which took the financing route rather than the mandate route. Its Code on Accessibility in the Built Environment, introduced in 1990 and revised for the sixth time in 2025 with effect from 1 November 2025, applies to new buildings and to existing buildings undergoing addition and alteration works, with compliance assessed on plans submitted for regulatory approval — architecturally the same prospective, permit-stage structure as the Philippine framework. What differs is what sits alongside it. The Accessibility Fund co-funds voluntary upgrading of existing private buildings at up to 80 percent of construction cost, capped at S$300,000, for buildings predating 1990, and up to 60 percent, capped at S$100,000, for buildings predating 2013 that already have basic accessibility features (Building and Construction Authority, n.d., 2025). Rather than compel retrofit of the existing stock, the instrument makes retrofit economically rational for the party who must carry it out.

Taken together, the Malaysian and Singaporean cases suggest a two-part lesson. A retrofit duty without verification or finance underperforms; finance can move the existing stock even where no retrofit duty exists. The Philippine framework currently has neither, a permissive duty, no verification occasion, and no dedicated financing instrument. The second policy implication in Section 4.3 is the Singaporean lesson adapted to a public building stock, where the owner is the State itself and the appropriate financing instrument is therefore a scored allocation criterion within an existing appropriation rather than a grant to a private owner.

Anticipated Objections

Four objections to the foregoing deserve to be stated at their strongest rather than left implicit.

Creating monitoring duties will simply produce another unfunded mandate

The objection has force in a Philippine context where devolved responsibilities have historically outrun devolved resources. Two responses bear on it. The first is that the measures proposed in Section 4.3 are designed to attach to instruments that already operate — the annual school facility inventory, existing repair and rehabilitation allocations, existing implementing rules — rather than to create a parallel reporting apparatus, which is precisely the design choice that distinguishes a marginal addition from a new mandate.

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The second is that the fiscal premise of the objection has changed. In *Mandanas v. Ochoa*, decided on 3 July 2018 and affirmed with finality on 10 April 2019, the Supreme Court held that the just share of local government units must be computed on all national taxes rather than on internal revenue taxes alone, declaring the limiting phrase in Section 284 of the Local Government Code unconstitutional. The shift from the Internal Revenue Allotment to the National Tax Allotment took effect in fiscal year 2022 and raised the allocation to local government units by an estimated 55 percent, with Executive Order No. 138 (2021) setting a framework for the corresponding devolution of basic services and facilities. What local governments conspicuously did not acquire in the same transfer was technical capacity; commentary on the ruling notes that many municipalities lacked the capacity to absorb the functions devolved to them. The binding constraint at municipal level is therefore competence rather than appropriation which is the constraint a third-party audit addresses and a new reporting duty does not.

University Audit Duplicates An Existing Agency Mandate

DPWH holds an accessibility audit assignment, and a second auditing actor might be thought redundant or even to undercut the agency's authority. The response is that the proposal is not a parallel regulator. A university audit carries no determination power, issues no notice, and attaches no consequence; it produces evidence addressed to the duty-holder and to the bodies that appropriate funds. Nor is the complementarity rhetorical: the agency programme's own reported throughput — phases initiated from 2018, with the first phase not yet complete as of the most recent published sector review (Cruz et al., 2021) — indicates a capacity shortfall at national school-stock scale that an additional, locally distributed source of evidence would relieve rather than duplicate.

A university has no standing to assess a public school

Nor should it, as of right, and the framework does not claim otherwise. The memorandum of agreement with the local government unit is the authorisation, and the school and the local government remain free to decline it. What the university contributes is not authority but the conjunction of technical competence with independence from the duty-holder — the two properties that make a finding evidence rather than self-report. Where a partner does not want the audit, the proposal simply does not apply; it is an offer of capacity, not an assertion of jurisdiction.

Audit without remedy may be worse than no audit

This is the most serious of the four. A documented deficiency that is never corrected can expose a school to criticism without improving any learner's access, may invite defensive or minimising reporting, and risks converting a technical finding into a reputational hazard that discourages future participation. Three mitigations follow from taking it seriously. Audits should be undertaken where a plausible funding route for correction exists, which is a selection criterion rather than an afterthought. Findings should be reported with prioritised and costed recommendations rather than as a bare score, so that the document is actionable by its recipient. And results should be transmitted to the actors who control the relevant appropriations rather than published as a comparative ranking of schools, since ranking produces the defensive dynamic the objection describes while supplying no additional information to the party able to act.

LIMITATIONS

Four limitations bound the claims made here. First, the study analyses instruments as written and does not examine administrative practice; it is possible that agencies conduct verification activities not traceable to a provision in the corpus, and such practice would qualify the finding on Axis C. Second, the corpus is confined to national instruments, and local ordinances in some jurisdictions may impose duties the national framework does not. Third, the comparison in Section 4.4 is drawn at the level of regulatory architecture rather than of measured outcome: the jurisdictions were selected for the availability of documentation, the Malaysian and Indonesian entries rest on secondary review literature rather than on primary legal texts read for this study, and the inferences drawn concern mechanism design rather than transferable performance. Fourth, the

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analysis identifies structural conditions under which non-compliance is permitted to persist; it does not establish the magnitude of actual non-compliance, which requires the field measurement the framework does not presently generate. That measurement gap is the study's finding, and it is also the boundary of its evidence.

CONCLUSION

The Philippine framework governing accessibility in public school facilities is technically specified and institutionally unmonitored. Its substantive standard, as revised in 2024, states measurable requirements for every element the empirical literature identifies as a barrier. Its enforcement architecture attaches that standard to the issuance of a license rather than to the condition of a building, declines to impose an unconditional retrofit duty on the stock in which learners are presently enrolled, carries a penal clause unchanged since 1983 and unreachable for want of detection, extends its clearest inclusive-education cross-reference only to Inclusive Learning Resource Centers, leaves the most-reported barrier externally unobserved, and establishes neither a compliance register nor a standard instrument by which compliance could be recorded.

Stated in the vocabulary of the compliance literature, the framework has disabled its negative basis and never constructed an affirmative one. The penalty cannot operate because nothing detects a violation; and nothing in the framework gives a school head information about their own building, against which a sense of obligation might attach to a particular facility rather than to an abstract standard. Regional comparison indicates that neither half of this can be repaired alone: Malaysia imposed the retrofit duty the Philippines did not and still reports lax compliance under the same permit-stage verification, while Singapore left the duty prospective but made voluntary upgrading of older stock economically rational through substantial co-funding.

The practical consequence is that the state cannot presently know whether its schools are accessible. Until a verification occasion exists and a standard instrument is prescribed, additional specification will not alter outcomes, and awareness-raising will continue to encounter the ceiling the Dumaguete evidence describes. In the interim, third-party institutional audit conducted by state universities through their extension function is the mechanism most immediately capable of converting an unobserved condition into a documented one at the municipal scale, funded from an existing extension appropriation, delivered by calibrated faculty and student teams, and reported into planning instruments that already exist. Its principal constraint is the one the fiscal settlement since 2022 has thrown into relief: local government units now command materially larger shares of national revenue without having acquired the technical capacity to spend them on works they cannot specify. That function requires a validated instrument to be useful, and the development of such an instrument is accordingly the necessary next step.

Conflict of Interest

The authors declare no conflict of interest.

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