

Republic of the Philippine
HOUSE OF REPRESENTATIVES
Quezon City

18th CONGRESS
First Regular Session

2329

HOUSE BILL NO. _____



Introduced by **REP. EVELINA G. ESCUDERO**

EXPLANATORY NOTE

The 1987 Constitution mandates the State to protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all.


However, more and more students and parents have been complaining that the students have been barred by school authorities, mostly in private educational institutions, from taking the prelims, midterm or final examinations in the case of higher education students, and from taking the periodic examinations, in the case of basic education students enrolled in private schools, due to failure to pay the balance of tuition fees on time.

While the Constitution also mandates the State to establish and maintain a system of scholarship grants, student loan programs, subsidies and other incentives which shall be available to deserving students in both public and private schools, not all underprivileged students have the opportunity to avail themselves of such financial assistance because of certain qualification requirements that have to be met. Likewise, there are students who are not necessarily poor, but their families have suffered from sudden reversal of fortune or temporary setbacks due to natural causes or disasters or are experiencing liquidity problems because they are sending more than two or three children to school at the same time. Hence, these factors cause the delay in the payment of tuition fees or even non-payment thereof within the prescribed period.

However, implementing a policy that disallows these students from taking the examinations solely on the basis of non-payment of tuition fees on time is tantamount to denying educational access to the students regardless of how studious and academically deserving they are of obtaining a good education. This also leads to emotional burden on the part of the students instead of letting them just focus on reviewing for the examinations. This is what exactly happened recently in the case of, University of the Philippines student Kristel Tejada who took her own life for failure to pay her tuition fees on time.

This representation hopes that this will be an eye opener for all of us. Thus, the bill not only seeks to protect the right of students to education, but also allows schools to have other safeguards to ensure the payment of tuition fees, such as the withholding of school records like class cards, transcript of records and diploma, among others, or the non-issuance of clearance.

In view of the foregoing reasons, immediate approval of this measure is earnestly sought.


EVELINA G. ESCUDERO

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HOUSE BILL NO. _____

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AN ACT
PENALIZING THE IMPOSITION OF A 'NO PERMIT, NO EXAM POLICY' OR ANY SUCH POLICY THAT PROHIBITS STUDENTS IN ALL EDUCATIONAL INSTITUTIONS FROM TAKING THEIR PERIODIC, PRELIMS, MIDTERM OR FINAL EXAMINATIONS DUE TO UNPAID TUITION AND OTHER SCHOOL FEES

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

SECTION 1. *Short Title.* This Act shall be known as the "Anti-'No Permit, No Exam' Act."

SEC. 2. *Declaration of Policy.* It is hereby declared unlawful for any educational institution, including primary, secondary, higher education institution (HEI) or technical-vocational institute (TVI), whether public or private, to disallow any student from taking any midterm or final examination due to non-payment of tuition and other school fees under the established terms of payment prescribed by the concerned educational institution and approved by the Department of Education (DepED), Commission on Higher Education (CHED) and Technical Education and Skills Development Authority (TESDA), respectively.

SEC. 3. *Coverage.* This Act shall cover all public and private educational institutions including primary, secondary and post-secondary HEIs and TVIs.

SEC. 4. *Right of Students.* Students shall have the right to take the midterm or final examinations notwithstanding the existence of unpaid financial obligations to the school.

SEC. 5. *Obligation of Students.* The students and/or their parents, unless waived by the school authorities concerned, shall be obligated to pay an interest for the unpaid tuition and other school fees, which shall not be more than six percent (6%) per annum, computed from the date of the examination taken by the students until the date when the overdue and unpaid tuition and other school fees are fully liquidated.

SEC. 6. *Rights of Schools.* The school authorities shall have the following rights against students with financial obligations, which remain due and unsettled, to their schools:

- (a) To withhold the release of the grades of a student with delinquent account until the unpaid tuition and other school fees, plus interest charges, are fully paid;
- (b) To deny admission or enrolment of any student having unsettled tuition or other school fees at the next succeeding semester classes, in the case of higher education, or at the next succeeding short-term course, in the case of post-secondary technical-vocational education, as the case may be, until the previous delinquencies are fully paid; and
- (c) To refuse issuance of school clearance to students with financial obligations to the school until all previous delinquencies are fully paid.

SEC. 7. *Unlawful Acts.* In recognition of the students' right to take their midterm and final examinations, the following acts by educational institutions shall be considered unlawful:

- (a) Disallowing students with due and unpaid tuition and other school fees from taking the midterm or final examination;
- (b) Requiring the students to secure a permit to take the midterm or final examination from the school authorities prior to the administration of midterm periodic or final examination; and
- (c) Compelling the students to pay upon enrollment a down payment or first installment equivalent to more than thirty percent (30%) of the total amount of tuition and other school fees for the entire semester or duration of the course.

SEC. 8. *Penalties.* Any school official or employee, including deans, coordinators, advisers, deans, professors, instructors and other concerned individuals found guilty of violating any of the unlawful acts enumerated in Section 7 of this Act shall be punished by a fine of not less than Twenty Thousand Pesos (P20,000.00) but not more than Fifty Thousand Pesos (P50,000.00).

SEC. 9. *Implementing Guidelines.* Within sixty (60) days from the effectivity of this Act, the DepED, CHED and TESDA shall promulgate the implementing guidelines necessary to enforce the objectives of this Act.

SEC. 10. *Separability Clause.* If any provision or part thereof is held invalid or unconstitutional, the other sections or provisions thereof shall not be affected thereby and shall remain in force and effect.

SEC. 11. *Repealing Clause.* All laws, presidential decrees, executive orders, proclamations, issuances, administrative orders, rules and regulations contrary to or inconsistent with any provision of this Act are hereby amended, repealed or modified accordingly.

SEC. 12. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,