

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **3106**

HOUSE OF REPRESENTATIVES

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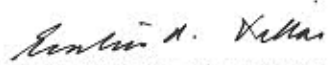
Introduced by **DIWA Party-list Representative Emmeline Y. Aglipay – Villar**

EXPLANATORY NOTE

Education is invaluable, but running a school requires money. This is not so much a paradox as it is emphasizing the worth of knowledge, while at the same time acknowledging that the tangible mechanisms by which knowledge is transferred -- maintenance and construction of facilities, payment of teachers and other school employees -- requires funding. One need not reject one in order to affirm the other.

Case in point: while reasonable tuition fees are necessary in order for a school to survive and deliver quality education to its students, the time to do so is not immediately before exams. Tests, like it or not, have evolved into a central focus of our school system. For these tests to have a chance of serving their purpose, how a student performs on these examinations must come down solely to how rigorously the student studied and prepared, with external factors kept to a minimum. Preventing students from taking the examination at all -- or receiving the permit that allows them to take the exam -- because of a monetary issue runs counter to the purpose of educational tests, and can undermine all the hard work of a student, even leading to his or her expulsion, or worse.

This bill, filed as a counterpart of Senate Bill No. 722 with the support of its author, Senator Cynthia Villar, will prohibit this harmful "No Permit, No Exam" policy, while outlining other methods by which schools can ensure their financial viability in a way that does not have the potential to sabotage students as they are about to cross the finish line.


EMMELINE Y. AGLIPAY – VILLAR
Representative, DIWA Party-list

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House Bill No. **3106**

Introduced by **DIWA Party-list Representative Emmeline Y. Aglipay – Villar**

AN ACT

PENALIZING THE IMPOSITION OF A “NO PERMIT, NOEXAM” POLICY OR ANY SUCH POLICY THAT PROHIBITS STUDENTS OF POST-SECONDARY AND HIGHER EDUCATION FROM TAKING THEIR MIDTERM OR FINAL EXAMINATIONS, OR OTHER SIMILAR ASSESSMENTS DUE TO UNPAID TUITION AND OTHER SCHOOL FEES

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

SECTION 1. Short Title. – This Act shall be known as the “*Anti- ‘No Permit, No Exam’ Act of 2016*”.

SECTION 2. Declaration of Policy. – It is hereby declared unlawful for any technical-vocational (tech-voc) institute or higher education institution (HEI), whether public or private, to disallow any student of post-secondary and higher education from taking any midterm or final examination, or other similar assessments, 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 Technical Education and Skills Development Authority (TESDA) and the Commission on Higher Education (CHED), respectively.

SECTION 3. Coverage. – This Act shall cover all public and private post-secondary tech-voc institutes and HEIs, including local colleges and universities.

SECTION 4. Right of Students. – Students of post-secondary and higher education shall have the right to take the midterm or final examinations, or other similar assessments, notwithstanding the existence of unpaid financial obligations to the school.

SECTION 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 five percent (5%) 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.

SECTION 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 tech-voc 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.

SECTION 7. *Unlawful Acts.* – In recognition of the students' right to take their midterm and final examinations, the following acts by tech-voc institutes and HEIs 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.

SECTION 8. *Penalties.* – Any HEI or tech-voc institute official or employee, including deans, coordinators, advisers, 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 One hundred thousand pesos (P100,000.00) but not more than Two hundred thousand pesos (P200,000.00).

SECTION 9. *Implementing Guidelines.* – The TESDA and the CHED shall promulgate the implementing guidelines necessary to enforce the objectives of this Act.

SECTION 10. *Separability Clause.* – If any provision or part of this Act is held invalid or unconstitutional, the other sections or provisions hereof shall not be affected thereby and shall remain in force and effect.

SECTION 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.

SECTION 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,