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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

THIRTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 4790



INTRODUCED BY HONORABLE DR. REY B. AQUINO

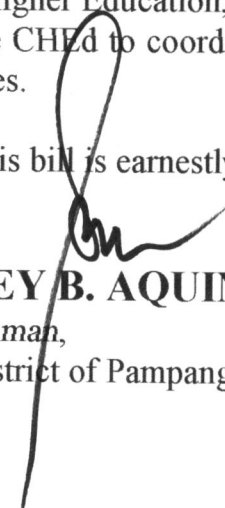
EXPLANATORY NOTE

There is a recent CHED Memorandum pegging the tuition fee increase at the inflation rate of 8.5 percent. However, this has been circumvented by some school owners and administrators who have come up with creative and ingenious ways to increase school fees and extract profit without necessarily raising tuition fees. Schools do this by bloating miscellaneous fees, using terms like "energy fees," "guidance and counseling fees," "aircon fees," "social action fees," "building and development fees," "postal fees," "insurance fees," "land acquisition fees," "accreditation fees," and "pre-registration fees." In fact, a 2004 CHED Report stated that miscellaneous fees have gone up by 140% in colleges and universities in the country.

As it appears in the recent CHED Memo, school owners can legally increase miscellaneous fees as long as it is less than the inflation rate. The time has come to right the wrong. These miscellaneous fees should be included in the computation of the tuition fee increases, simply because they are part of the school's capital outlay and were supposed to be already included in the basic tuition. Indeed, while the oppression or self-destruction of schools is not sanctioned, neither should students be denied their right to avail of affordable education. After all, it is the State's duty 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 (Section 1, Article, XIV, The 1987 Constitution of the Republic of the Philippines).

Since Executive Order No. 434 issued by Pres. Gloria Macapagal-Arroyo on June 7, 2005 recently granted the Department of Education the delegated power "to exercise policy oversight" over the Commission on Higher Education, the time has never been more appropriate for the Dep Ed and the CHED to coordinate and issue definitive policies with regard to tuition fee increases.

It is in this regard that the immediate passage of this bill is earnestly sought.


DR. REY B. AQUINO
Congressman,
Third District of Pampanga

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**AN ACT TO PUT A CAP ON TUITION FEES AND
MISCELLANEOUS FEES**

Section 1. Pursuant to the Constitution, it is hereby reiterated that the state shall 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.

Section 2. Tuition fees shall be understood to include miscellaneous fees, as miscellaneous fees are part of the school's capital outlay and supposed to be already included in the basic tuition.

Section 3. The Secretary of Department of Education shall annually prescribe the maximum rate of increase of all tuition fees, which shall not be higher than the inflation rate set by the National Economic Development Authority (NEDA) every year.

Section 4. No educational institution shall be allowed to increase tuition fees and other school fees without the approval of the Department of Education and prior notice to all affected parties.

Section 5. It shall be unlawful for any educational institution to charge additional miscellaneous fees such as, but not limited to, "energy fees," "guidance and counseling fees," "aircon fees," "social action fees," "building and development fees," "postal fees," "insurance fees," "land acquisition fees," "accreditation fees," "pre-registration fees," and such other fees the clear objective of which is to circumvent the cap on tuition fee increases.

Section 6. The Secretary of Department of Education, in due consultation with the concerned government agencies and school boards, where appropriate, shall define and prescribe such allowable fees which may be increased and excluded from the Tuition Fees.

Section 7. Any school that directly and indirectly circumvents any provision of this act shall be meted out the penalty of suspension of its license to operate and shall be liable to return to the affected parties the excess amount of school fees collected.

Section 8. The Secretary of Department of Education shall within ninety (90) days from the approval of this Act promulgate the implementing rules and regulations for the effective implementation of this Act.

Section 9. If any portion or provision of this Act shall be declared unconstitutional, such declaration shall not invalidate other parts thereof, which shall remain in full force and effect.

Section 10. This Act shall take effect fifteen (15) days following the publication in a newspaper of general circulation

Approved,


Hon. Dr. REY B. AQUINO