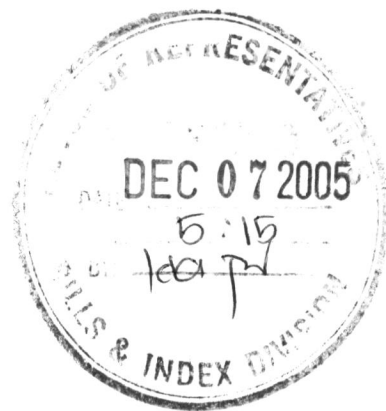


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

**THIRTEENTH CONGRESS
Second Regular Session**

HOUSE BILL NO. 4967



Introduced by REPRESENTATIVE TEODORO A. CASIÑO
Bayan Muna Partylist

EXPLANATORY NOTE

Ever since the financial meltdown of 1997, the Philippines has been mired in a deepening crisis. To such extent, that the President had to announce in 2004 that the country was on the brink of a fiscal crisis. The announcement was followed by a rush to legislate regressive taxes such as the sin taxes and the EVAT. Despite statements to the contrary, poverty incidence is at an alarming rate as prices of commodities keep increasing while wages have remained frozen at below subsistence rate.

The difficulty in meeting the basic needs of a family notwithstanding, much importance is still given to education. This is the reason why, even if they can barely eat three meals a day, parents and working students would forego other needs just to pay for their education.

With the current economic state of affairs, where 70% of the population remains below the poverty level, the meteoric and unchecked rise of fees in all private educational institutions nationwide further burdens an already suffering populace.

Private education, by virtue of the policy of deregulation mandated by Batas Pambansa 232, has turned into a very profitable business indeed. In the past 14 years alone, 595 private Higher Education Institutions have been established.

The government agencies tasked to provide protection against profiteering by these institutions have failed miserably as increases in tuition, miscellaneous or other fees, some of which are even collected redundantly, continued without regard to the suffering of the students and their parents. In fact, since the enactment of BP 232 in 1982, tuition fees have risen 370% and with no end in sight.

According to the latest Commission on Higher Education (CHED) report, 15.37% of 1,321 HEIs applied for an increase in tuition fees in 2005, while last year, 381 or 39% applied for fee increases. The figures are staggering especially since in the face of unabated sky-rocketing prices of commodities, private schools are consistently listed among the country's top 1,000 corporations.

This is why this representation only sees it fair to impose a three year moratorium on all kinds of fee increases whether it be tuition or other school fees. By the end of the three year moratorium, we hope that the government will already remedy the defects of a deregulated education sector and will provide the proper guidelines to all schools applying for fee increases in such a way that the parents and students will not end up in such a losing end.

It is also hoped that the provision for exemptions would not be abused by all concerned while the provision for penalties for non-compliance would be carried out accordingly.

The passage of this bill does not presume to be the final solution to the problems plaguing the education sector. This representative hopes however, that the imposition of a three year moratorium on all fees in all private educational institutions will provide relief to the overburdened Filipino people.

In view of the foregoing, immediate approval thereof is sought.

A handwritten signature in black ink, appearing to read "Teodoro A. Casiño", with a long horizontal stroke extending to the right.

Representative Teodoro A. Casiño
Bayan Muna Partylist

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 4967

Introduced by **REPRESENTATIVE TEODORO A. CASIÑO**
Bayan Muna Partylist

**AN ACT IMPOSING A THREE YEAR MORATORIUM ON TUITION AND OTHER
FEE INCREASES ON ALL EDUCATIONAL INSTITUTIONS**

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

SECTION 1: Title- This Act shall be known as the "TUITION FEE MORATORIUM
ACT OF 2005"

SECTION 2: Declaration of Basic Policy- It is the policy of the state to promote
quality education that is accessible to all and to establish, maintain and support a complete,
adequate and integrated education system relevant to the needs of the Filipino people.

SECTION 2: Definition of Terms – as used in this Act, the following terms shall
mean:

- (a) "Private Educational Institutions" – any school, college, university, company or corporation authorized by the state to grant education, either formal or informal; technical or non-technical; vocational or non-vocational; and whose subsistence relies significantly in it gaining profits, dividends or stocks from giving such.
- (b) "Tuition" – is used to refer to the charges that all students pay to attend a private educational institution. These are composed of specific types: operating fees, building fees, services and activities fees and technology fees.
- (c) "Miscellaneous and other school fees"- additional charges other than tuition fees collected for specific actual services rendered to students, as may be identified by the school authorities and certified by the recognized student council and faculty

guidance, insurance, laboratory fee, laboratory deposit, library fee, school publication, registration, and such other fees that refer to services.

Section 3: MANDATE: The Department of Education (DepEd) Commission on Higher Education (CHED), Technical Education and Skills Authority (TESDA) is hereby mandated to impose a three year moratorium on any school fee increase, whether it be tuition, miscellaneous and other school fees on all private educational institutions.

SECTION 4: EXEMPTIONS: A private educational institution may apply for an increase in tuition or other school fees, following existing rules and guidelines implemented by the DepEd, CHED and TESDA, provided it has posted no net profit or incurred losses on the year on preceding the application for fee increases according to its declaration of assets, income and liabilities, a copy of which should be filed together with the application for exemption.

SECTION 5: PENALTY CLAUSE: Any educational institution found in violation of this Act shall be punished with a fine of NOT LESS THAN 100,000 pesos (100,000 Php) and NOT MORE THAN 500,000 pesos (500,000Php) or imprisonment OF NOT MORE THAN SIX (6) YEARS or both, in the discretion of the court.

Misrepresentation or misdeclaration of assets, incomes and liabilities shall be prima facie evidence as violating this Act.

Section 6: Repealing Clause – All laws, presidential decrees, executive orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 7. Separability Clause. – If any part or provision of this Act shall be held unconstitutional or invalid, other provisions hereof which are not affected shall continue to be in full force and effect.

Section 8. Effectivity – This Act shall take effect fifteen (15) days after its publication to two (2) national newspapers of general circulation.

So approved,