

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

00001 807
House Bill No. _____

Introduced by **Kabataan Party-List Rep. Raymond V. Palatino**

EXPLANATORY NOTE

The 1987 Philippine Constitution, Article XIV, Section 1, states:

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 accessible to all.

Yet despite this constitutional guarantee, education in the country has remained largely inaccessible to poor students. Despite a 'no-collection policy' imposed by the Department of Education on public elementary and high schools, as per DepEd Order No. 19-2008, collection of miscellaneous fees remains rampant in many schools nationwide. Meanwhile, due to the government's long-standing policy with regards higher education, public tertiary schools, including state colleges and universities, are becoming more and more privatized resulting in the inevitable increase in tuition and other school fees. Private higher education institutions (HEIs), on the other hand, have become mostly run as profit-making enterprises with their routine imposition of higher or new school fees, unmindful of the economic situation of the students and their parents.

It has been repeatedly pointed out that the State is not doing enough to protect the Filipino's right to quality and accessible education. Given that the State can barely ensure quality public education, it has also not sufficiently exercised its regulatory role among private schools, as Article XIV, Section 4 of the Constitution provides:

The State recognizes the complementary roles of public and private institutions in the educational system and shall exercise reasonable supervision and regulation of all educational institutions.

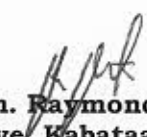
Consequently, apart from the unabated increase in tuition and other school fees in private

schools, many have also taken to imposing a 'no permit, no exam' policy, which prohibits students who have not partially or fully settled their financial obligations from taking their periodic or final examinations. Such policy effectively bars unpaid students from graduating or obtaining an academic degree, regardless of how hard they have worked for it or how much they academically deserve it.

In light of this situation, it is the State's obligation to intervene and ensure that our young people's right to education is not compromised due to financial difficulties – most specially given the present economic situation of the country, in which millions of families struggle to meet even their most basic needs.

Kabataan Party-List filed a similar bill last Congress with a specific focus on higher educational institutions (HEI's) and though we were not able to see through the ratification of the said measure into law, we were able to convince the Commission on Higher Education to issue Memorandum No. 02-2010, enjoining all HEI's to allow students with delinquent accounts to take their final examinations. This directive, however, was proven to be just that—an appeal without mandatory directives, and we witnessed how hundreds of schools nationwide ignored the memorandum. This strengthened our resolve that the only way for schools to be forced to follow the directive is through legislation.

We are re-filing this bill, and expanding its scope to embrace even elementary and high schools, to protect deserving students from prematurely halting their studies due to their understandable inability to pay high school fees on time. We must uphold the State's right and responsibility to exercise reasonable regulation of private schools.


Hon. Raymond V. Palatino
Representative, Kabataan Party-List

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

Be it enacted by the Senate and the 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 of 2010”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to ensure the accessibility of quality education and, towards this end, to exercise reasonable regulation of private education institutions. This Act pursues this policy by penalizing private education institutions that impose a ‘no permit, no exam’ policy or any such policy that prohibits students from taking their periodic or final examinations due to unpaid tuition and other school fees.

SECTION 3. *Rights and Obligations of Students.* – Students with delinquent fees shall have the right to take an examination. Nevertheless, such students shall be subject to the right of the school concerned to withhold the release or issuance of their school clearance prior to their graduation until all prior delinquencies are fully paid.

SECTION 4. *Implementing Guidelines.* – The Department of Education and the Commission on Higher Education shall promulgate the implementing guidelines necessary to enforce the objectives of this Act.

SECTION 5. *Penalties.* – Violations of the provisions of this Act shall be punished by the suspension and/or cancellation of the permits of the offending schools and fine of

not less than P30,000.00 but not more than P50,000.00

SECTION 6. *Separability Clause.* – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain valid and subsisting.

SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,