

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 3708

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

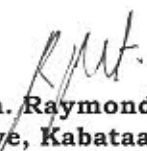
EXPLANATORY NOTE

The need to implement a three-year moratorium on tuition and other fee increases is based on the principle that education is a right, that education serves a public and a social function, and that prevailing social and economic conditions in the country have effectively prevented millions of Filipinos from enjoying this right. This particular need for a moratorium also arises from the fundamental need to revamp the entire education system in the country. Ever since the implementation of Batas Pambansa 232 (Education Act of 1982) and a host of other policies implemented over the past two decades following the neoliberal prescriptions of the government's foreign and multinational creditors, our education system has become increasingly market-oriented instead of progressive, colonial instead of nationalist and fascist instead of democratic. It has become increasingly geared towards serving foreign interests in the guise of globalization instead of addressing the specific needs of the country and its people. It has given private corporations and capitalists the free hand to exploit the need of the people for education, and the inability of the government to adequately address this need, in order to profit immensely and bleed the people dry. Thus, we need to, at the minimum, revamp the country's Education Act of 1982, the law which has not only failed to address the conditions in the education system, but has worsened the situation further, and at the maximum, introduce a new National Education Act which effectively re-orientes our education system into a nationalist, mass-oriented and scientific style of education that addresses the needs of the people.

It is in the light of the foregoing why the implementation of a three-year moratorium is imperative. In the interim, in order to allow our people several pockets of economic relief while we all face the challenge of re-orienting our education system and while they continue to suffer from the onslaught of economic hardships in the current socio-economic order, we need to impose a moratorium to the greed of education profiteers which has effectively made education too costly for majority of our people to afford.

We have earlier filed a similar tuition moratorium bill, through the initiative of our colleagues from Bayan Muna Party-List, and yet we would like to file another version in order to reassert our firm commitment to a comprehensive legislative measure to stop incessant tuition increases.

To deny consideration of this proposed moratorium is not only a failure on our part as representatives of the people to guarantee our constituents their right to accessible and quality education, but also an admission on our part that our efforts to reform and re-orient our education system is anything but genuine.


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

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

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

1 **SECTION 1.** *Short Title.* – This Act shall be known as the “Three-Year Tuition Moratorium
2 Act”

3
4 **SECTION 2.** *Declaration of Policy.* – Education is primarily a state function. Education
5 serves a public purpose, and it is in the best interest of the people for the government to
6 ensure the enjoyment of the fundamental right of citizens to education through a strict
7 regulation of tuition and other fees, as such is the primary factor in the accessibility of
8 education for all. In view of this, the State shall impose a three-year moratorium on tuition
9 and other school-related fees in all basic, technical-vocational and higher education
10 institutions to provide relief for students and their families in light of the country’s
11 perennial and recurring economic crises.

12
13 **SECTION 3.** *Coverage.* – This Act shall cover all basic, technical-vocational and higher
14 education institutions in the Philippines.

15
16 **SECTION 4.** *Definition of Terms.* – For purposes of this Act, the following are hereby
17 defined as follows:

- 18 1. “*Private Educational Institutions*” shall refer to any school, academy, college,
19 university, company or corporation authorized by the state to grant education,
20 either formal or informal, technical or non-technical, vocational or non-
21 vocational, and whose subsistence relies significantly on profits, dividends or
22 stocks from giving such;

2. *"Public Educational Institutions"* shall refer to any school, academy, college, or university whose subsistence relies significantly on state subsidies and grants such as, but are not limited to, public or national elementary schools, public or national high schools, and state universities and colleges;
3. *"Tuition"* shall refer to the fee representing direct costs of instruction, training and other related activities for the students' use of the instruction and training, and the use of the instruction and training facilities.
4. *"Miscellaneous and Other School Fees"* shall refer to fees which cover other necessary costs supportive of instruction, including but are not limited to medical and dental, athletic, library, laboratory, and the National Service Training Program (NSTP) fees.

SECTION 5. *Mandate.* – The Department of Education (DepEd), Commission on Higher Education (CHED), and the Technical Education and Skills Authority (TESDA) is hereby mandated to impose a three year moratorium on increases on any school fees in all public and private educational institutions.

SECTION 6. *Private School Exemptions.* – A private educational institution may apply for an increase in tuition or other school fees for a semester provided that it incurred substantial financial losses on the year preceding the application for exemption, and provided that the school presents to the proper government authority, to the student body and recognized parents associations its verified financial statements for the last five (5) years preceding the application and the school's verified declaration of assets and liabilities. Refusal of the school administration to show its books and records for inspection by the proper government agency and concerned sectors of the school community shall mean automatic denial of its application for exemption from the moratorium. The increase in tuition and other fees shall be limited to an amount that would cover the financial losses presented through the submitted and verified financial records.

SECTION 7. *Public School Exemptions.* – Public educational institutions may not impose any increase in tuition or any other school fees within the period of the moratorium. Any funds for necessary improvements or expansion of school facilities shall be provided for by the Government through subsidies.

SECTION 8. *Teachers Salaries.* – Public and private educational institutions shall not be allowed to refuse grant of increases in teachers' salaries, among other benefits, within the period of the moratorium solely based on the legislated tuition moratorium as justification. In light of the foregoing, all public and private educational institutions shall submit to the proper government agency and to the recognized teachers association or union an audit of all its tuition increases within the preceding ten years in order to verify whether or not

1 percent of the increases went to the salaries of the teachers as mandated by law. Any
2 deficiency discovered from the audit shall be granted to the teachers in the form of salary
3 increases.
4

5 **SECTION 9. *Violations.*** Any educational institution found in violation of this Act shall be
6 mandated by the proper government authorities to refund any increase that has been
7 imposed on students within the semester such increases were collected. Misrepresentation
8 or misdeclaration of assets, incomes and liabilities shall be prima facie evidence of a
9 violation of this Act and shall be accorded with an additional penalty of not less than one
10 hundred thousand pesos (PhP 100,000) and not more than five hundred thousand pesos
11 (PhP 500,000). A violation of this Act shall be ground for the revocation of the license to
12 operate or franchise granted by the government to the school, or for the temporary
13 sequestration or take-over by the government of the school's operations.
14

15 **SECTION 10. *Repealing Clause.*** – All laws, presidential decrees, executive orders, rules and
16 regulations, other issuances or parts thereof which are inconsistent with this law are
17 hereby repealed or modified accordingly.
18

19 **SECTION 11. *Separability Clause.*** – If any part or provision of this Act shall be held
20 unconstitutional or invalid , other provisions hereof which are not affected shall continue to
21 be in full force and effect.
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23 **SECTION 12. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in
24 two (2) national newspapers of general circulation. The moratorium shall be imposed on the
25 semester immediately succeeding the effectivity, including the summer semester and for
26 three years thereafter.

Approved,