

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 4286

Introduced by Kabataan Party-List Representative Raymond V. Palatino

EXPLANATORY NOTE

It is clearly expressed in our Constitution that the State shall ensure that education, at all levels, be made accessible to all. Sadly, this constitutional provision, which should guarantee the people's right to quality and accessible education, is undercut by the unabated increase of tuition and other fees in schools, especially in private colleges and universities.

For instance in 2001, the national average of tuition and other fees in private higher educational institutions (PHEIs) was P257.41 per unit. The rate has gone up to P501.22 (94.72%) in 2010. In the National Capital Region (NCR), the average rate of tuition and other fees in 2001 was P439.59; it has increased to P980.54 (123.06%) in 2010. This means that a college student in the NCR with a 21-unit load has to produce an average of P20, 591 per semester. That amount does not include miscellaneous fees which, in many PHEIs, are even higher than the actual tuition.

This lamentable condition finds basis in some of the laws and policies which govern our education system. Salient among them is the the Education Act of 1982 which states in Section 42 that "private schools shall determine the rate of tuition and other school fees or charges." This grants private schools that sole authority to increase tuition and other fees.

Because of the unbridled tuition and other fee increase, private schools have now been transformed as ripe venues for aggressive profit-making. Many rich and powerful

businesspeople have already ventured into owning schools, allowing them to rake in millions yearly. Despite their high earnings, yearly tuition and other fee increases are still imposed as schools reason out that more money is needed for operation expenses. While it is true that a number of schools need the increase to prevent them from closing down, this remains the exception rather than the rule. The fact remains that the process of increasing tuition and other fees takes place within the context of big school earnings and the lack of democratized participation from students, parents and other members of the academic community.

The school process of deciding over tuition and other fee increase does not normally include the practice of democratic consultation and decision-making process. In most cast, there are even no tuition consultations held in schools: students and parents only know of the increases during enrollment or after the school officials have already closed ranks on the issue. Forgoing tuition consultation processes in schools is warranted by the implicit rule that the decision of the school owner/s is conclusive and executory. In few cases where a tuition consultation is held, it usually involves only a mere passing down of the school administration's decision.

Although the Commission on Higher Education have existing guidelines with regard to tuition and other fee increase, schools are still able to dodge the jurisdiction of these educational agencies. It is a sad fact that CHED have fallen short in terms of strictly ensuring that students, parents and members of the academic community are able to exercise their democratic rights to take part in the process of deciding over the implementation of tuition and other fees.

It is therefore urgent that we create a set of guidelines to ensure the democratic participation of students, parents and other members of the academic community in matters related to tuition and other fees including the rate of increases.

The unrelenting increase of tuition and other fees over the years and the lack of democratic tuition consultations in schools are clear violations of the Constitution and the democratic rights of the people. The basic premise being that the two common occurrences in schools have invariably limited the accessibility of education in the country.

For the State to fulfill its constitutional mandate to ensure that education is

accessible to all, then urgent reforms must be done. That includes amending the Education Act of 1982, a law which has permitted schools to jack up tuition and other fees. Also, a mechanism for the strict regulation of the yearly increase of tuition and other fees must be institutionalized.

As is always said, one of the major functions of education is to arm our people with relevant life-skills to make their life better and purposeful. This function is hindered by the fact that the business sector is rapaciously devouring the education sector. It is, indeed, high time to reclaim education as an accessible service for the the development of our people and of our nation.

It is along along these lines that the immediate approval of this bill is sought.

Adopted,



HON. RAYMOND V. PALATINO
Representative, Kabataan Party-list

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AN ACT
REGULATING THE TUITION AND OTHER FEES OF PRIVATE HIGHER
EDUCATIONAL INSTITUTIONS (PHEIs), THEREBY AMENDING BATAS
PAMBANSA 232, AS AMENDED, CREATING A TUITION CONSULTATION
AND DECISION-MAKING PROCESS, AND FOR OTHER PURPOSES

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “Tuition and Other Fees
2 Regulation Act.”
3

4 **SECTION 2. Declaration of Policy.** – The State shall protect and promote the right of all
5 citizens to quality and accessible education at all levels. Further, the State is mandated to
6 protect and promote the youth’s physical, moral, spiritual, intellectual and social well-being.
7 In this view, the following are hereby declared as the objectives of this Act:

- 8 (a) To ensure the access by all citizens to quality education by regulating the tuition and
9 other fees, including the rate of increases, in private colleges and universities
10 nationwide.
11 (b) To ensure that a democratic consultation and decision-making process with regard
12 to tuition and other fees and the rate of increases are strictly followed.
13 (c) To affirm that the power and jurisdiction of the Commission on Higher Education
14 over private colleges and universities nationwide.
15

1 **SECTION 3. *Definition of Terms.*** – as used in this Act, the following terms shall mean:

- 2
- 3 (a) “*Private Higher Educational Institutions*” – shall refer to any school, college,
4 university, company or corporation authorized by the state to grant tertiary level of
5 education, either formal or informal; technical or non-technical; vocational or non-
6 vocational; and whose subsistence relies significantly in tuition and other fees.
7 Private colleges and universities and Private Higher Educational Institutions are
8 used in this Act interchangeably.
- 9 (b) “*Tuition*” – shall refer to the school charges for the subjects or course enrolled in by
10 a pupil or student, as indicated in the respective prospectuses, colleges and
11 universities, which may either be on a term or yearly basis or per unit or units.
- 12 (c) “*Other school fees*” – shall refer to miscellaneous fees charged by private colleges
13 and universities as embodied in their respective prospectuses, bulletins of
14 information, or catalogues, which are collected and earmarked for certain specified
15 purposes pursuant to existing laws, rules and regulations. Other school fees, other
16 fees, and miscellaneous fees are used in this Act interchangeably.
- 17 (d) “*Student*” – shall refer to any person enrolled in private colleges and universities
18 including those enrolled in vocational and technical education.
- 19 (e) “*School*” – shall refer to any private higher educational institution including the
20 administrators or officials of the institution.
- 21 (f) “*Parent*” – shall refer to any person who has custody of a student enrolled in a
22 private higher educational institution.
- 23 (g) “*Faculty*” – shall refer to any person hired by a school to conduct teaching and
24 training to students.
- 25 (h) “*Non-teaching personnel*” – shall refer to any person hired by a school to perform
26 duties outside that of teaching.
- 27 (i) “*Consultation*” – shall refer to the the process by which students, parents, faculty
28 and non-teaching personnel decide over the approval and apportioning of tuition and
29 other fees and the rate of increases.
- 30

31 **SECTION 4. *Tuition and other fees.*** – All tuition and other fees, including the rate of

1 increases, shall be subjected to a democratic consultation and decision-making process with
2 the participation and approval of the students, parents, teachers and non-teaching personnel.
3 The democratic consultation and decision-making process shall also grant power to the
4 students, parents, teachers and non-teaching personnel to decide over how tuition and other
5 fees, including the increases, are apportioned.

6
7 In the event that only incoming freshmen are proposed to pay the increase in tuition and
8 other fees the school shall still have to consult and seek the approval of the students (as
9 represented by the student council and other equivalent or similar student organization),
10 parents (as represented by the parents association or other equivalent or similar parents
11 organization), teachers (as represented by the faculty union or other equivalent or similar
12 teacher's organization), and non-teaching staff (as represented by the worker's union or
13 other equivalent or similar worker's organization).

14
15 **SECTION 5.** *Amendments to Sec. 42 of BP 232.* – Section 42 of Batas Pambansa Bilang
16 232 (BP 232), other known as the “Education Act of 1982” is hereby amended to read as
17 follows:

18
19 Sec. 42. Tuition and Other Fees. – TUITION AND OTHER SCHOOL FEES MAY BE
20 CHARGED BY PRIVATE SCHOOLS SUBJECT TO THE RULES AND
21 REGULATIONS OF THE DEPARTMENT OF EDUCATION, THE COMMISSION
22 ON HIGHER EDUCATION AND THE TECHNICAL EDUCATION AND SKILLS
23 DEVELOPMENT AUTHORITY. AS REGARDS TO PRIVATE HIGHER
24 EDUCATIONAL INSTITUTIONS, THE FOLLOWING ADDITIONAL
25 REGULATIONS SHALL APPLY:

26
27 (1) TUITION AND OTHER FEES – EACH PRIVATE COLLEGE OR
28 UNIVERSITY SHALL BE ALLOWED TO IMPOSE AND APPORTION TUITION
29 AND OTHER FEE INCREASE UPON THE APPROVAL OF STUDENTS,
30 PARENTS, TEACHERS AND NON-TEACHING PERSONNEL THROUGH A
31 DEMOCRATIC CONSULTATION AND DECISION-MAKING PROCESS.

1 (2) NO INCREASES IN TUITION AND/OR OTHER FEES SHALL BE GRANTED
2 IN THE ABSENCE OF AN AGREEMENT, MADE THROUGH PUBLIC
3 CONSULTATION, BETWEEN A SCHOOL'S COMPETENT AUTHORITY AND
4 ITS STUDENTS, PARENTS, FACULTY AND NON-TEACHING PERSONNEL
5 EQUALLY REPRESENTED. FURTHERMORE, THERE SHALL BE NO OTHER
6 SCHOOL FEES WHICH MAY BE REQUIRED ASIDE FROM TUITION AND
7 OTHER FEES.

8
9 (3) THE COMMISSION ON HIGHER EDUCATION SHALL ENSURE THAT A
10 DEMOCRATIC CONSULTATION AND DECISION-MAKING PROCESS IS
11 FOLLOWED IN DETERMINING THE RATES AND CHARGES ADOPTED BY
12 PRIVATE COLLEGES AND UNIVERSITIES PURSUANT TO THIS PROVISION.

13
14 **SECTION 6.** *Amendments to Sec. 68 of BP 232.* – Sections 68 of BP 232 is hereby
15 amended to read as follows:

16
17 *Sec. 68. Penalty Clause.* — Any school and/or person upon conviction for an act in
18 violation of Section 28, Chapter 3, Title III above OR SECTION 42, CHAPTER 5
19 TITLE B OF THIS ACT, shall be punished with a fine of not less than ONE MILLION
20 PESOS (P1,000,000.00) nor more than FIVE MILLION PESOS (P5,000,000.00) or
21 imprisonment OF NOT MORE THAN SIX (6) YEARS, or both, in the discretion of
22 the court.

23
24 SCHOOL VIOLATORS SHALL ALSO BE AUTOMATICALLY BARRED FROM
25 PROPOSING ANY INCREASE IN TUITION AND OTHER FEES FOR THREE (3)
26 CONSECUTIVE YEARS FROM THE DATE OF CONVICTION.

27
28 MISREPRESENTATION OR MISDECLARATION OF ASSETS, INCOMES AND
29 LIABILITIES SHALL BE PRIMA FACIE EVIDENCE AS VIOLATING SECTION
30 42, CHAPTER 5, TITLE B OF THIS ACT
31

1 **SECTION 7. *Tuition Consultation Process.*** – It is hereby created a set of guidelines
2 schools with proposed tuition and other fees must follow.
3

- 4 (1) The school shall effectively inform the students, parents, teachers and non-teaching
5 personnel of the the proposed tuition and other fee increase and the place and date
6 of the consultation at least 30 days before the consultation proper.
- 7 (2) All tuition consultations shall be made before February 28.
- 8 (3) The school shall make easily available at least 30 days before the consultation all
9 pertinent documents including, but not be limited to, financial reports including a
10 comprehensive report of the incremental proceeds of the the preceding year's
11 increase, administrative reports and the school's position paper for the perusal of the
12 students, parents, faculty, and non-teaching personnel.
- 13 (4) The school shall allow gatherings and activities of student, parents, faculty and non-
14 teaching personnel in preparation for the consultation.
- 15 (5) The school shall furnish the students, parents, faculty and non-teaching personnel
16 copies of the suggested flow and agenda of the tuition consultation which the
17 concerned parties may amend to include proposals not limited to review, refund and
18 scrapping of existing fees.
- 19 (6) The facilitating body of the consultation shall be composed of one (1) representative
20 from the school, students, parents, faculty and non-teaching personnel.
- 21 (7) The consultation shall be opened to all concerned students, parents, faculty and non-
22 teaching personnel.
- 23 (8) The school publication shall be allowed to cover and report the consultation
24 proceedings.
- 25 (9) The school, students, parents, faculty and non-teaching personnel shall agree on the
26 rate of tuition increase based on a consensus.
- 27 (10) In the event that no consensus is made, the previous rate of tuition and other fees
28 shall apply.
- 29

30 **SECTION 8. *Repealing Clause.*** – All laws, presidential decrees, executive orders, rules
31 and regulations or parts thereof which are inconsistent with the provisions of this Act are

1 hereby repealed or modified accordingly.

2
3 **SECTION 9. *Separability Clause.*** – If any part or provision of this Act shall be held
4 unconstitutional or invalid, other provisions hereof which are not affected shall continue to
5 be in full force and effect.

6
7 **SECTION 10. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication
8 in two (2) national newspapers of general circulation..

Adopted,