



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

COMMITTEE REPORT NO. 1172

01 JUN 2011

Submitted by the Committee on Higher and Technical Education on _____

Re: House Bill No. 4791

Recommending its approval, in substitution of House Bill Nos. 807, 632, 2472, 2476, 4175 & 4559

Sponsors: Representatives Juan Edgardo M. Angara & Raymond V. Palatino

Mr. Speaker:

The Committee on Higher and Technical Education, to which were referred:
House Bill No. 807, introduced by Rep. Raymond V. Palatino, entitled:

"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";

HB No. 632, introduced by Rep. Juan Edgardo M. Angara, entitled:

"AN ACT PROHIBITING PRIVATE AND PUBLIC SCHOOLS FROM DISALLOWING STUDENTS WITH DELINQUENT TUITION FEES TO TAKE THE MIDTERM OR FINAL EXAMINATIONS AND FOR OTHER PURPOSES";

HB No. 2472, introduced by Rep. Mark A. Villar, entitled:

"AN ACT PROHIBITING PRIVATE SCHOOLS FROM DISALLOWING STUDENTS WITH DELINQUENT TUITION FEES TO TAKE THE MIDTERM OR FINAL EXAMINATIONS AND FOR OTHER PURPOSES";

HB No. 2476, introduced by Rep. Marcelino C. Teodoro, entitled:

"AN ACT PROHIBITING PRIVATE AND PUBLIC SCHOOLS FROM DISALLOWING STUDENTS WITH UNPAID TUITION AND OTHER SCHOOL

FEEs TO TAKE PERIODIC OR FINAL EXAMINATIONS, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES”;

HB No. 4175, introduced by Rep. Abigail Faye C. Ferriol, entitled:

“AN ACT PROHIBITING PUBLIC AND PRIVATE SCHOOLS FROM DISALLOWING STUDENTS WITH DELINQUENT TUITION FEES TO TAKE THE MIDTERM OR FINAL EXAMINATIONS AND FOR OTHER PURPOSES”; and

HB No. 4559, introduced by Rep. Carlo V. Lopez, entitled:

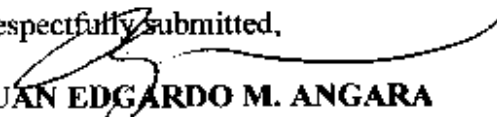
“AN ACT PROHIBITING PRIVATE AND PUBLIC SCHOOLS FROM DISALLOWING STUDENTS WITH DELINQUENT TUITION FEES TO TAKE THE MIDTERM OR FINAL EXAMINATIONS AND FOR OTHER PURPOSE”

has considered the same and recommends that the attached House Bill No. 4791,
entitled:

“AN ACT
PENALIZING THE IMPOSITION OF A ‘NO PERMIT, NO EXAM’ POLICY AND ANY SUCH POLICY THAT PROHIBITS STUDENTS OF POST-SECONDARY AND HIGHER EDUCATION FROM TAKING THEIR MIDTERM OR FINAL EXAMINATIONS DUE TO UNPAID TUITION AND OTHER SCHOOL FEES,”

be approved in substitution of House Bill Nos. 807, 632, 2472, 2476, 4175 and 4559 with Representatives Raymond V. Palatino, Juan Edgardo M. Angara, Mark A. Villar, Marcelino C. Teodoro, Abigail Faye C. Ferriol, and Carlo Lopez as authors thereof.

Respectfully submitted,


JUAN EDGARDO M. ANGARA
Chairman
Committee on Higher
& Technical Education

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 4791

(In substitution of House Bill Nos. 807, 632, 2472, 2476, 4175 & 4559)

Introduced by Representatives Raymond V. Palatino, Juan Edgardo M. Angara, Mark A. Villar, Marcelino R. Teodoro, Abigail Faye C. Ferriol & Carlo V. Lopez

AN ACT

PENALIZING THE IMPOSITION OF A 'NO PERMIT, NO EXAM POLICY' OR ANY SUCH POLICY THAT PROHIBITS STUDENTS OF POST-SECONDARY AND HIGHER EDUCATION FROM TAKING THEIR MIDTERM OR FINAL EXAMINATIONS DUE TO UNPAID TUITION AND OTHER SCHOOL FEES

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 "Anti-'No Permit, No
2 Exam' Act of 2011."
3
- 4 **SEC. 2. Declaration of Policy.** It is hereby declared unlawful for any technical-
5 vocational (tech-voc) institute or higher education institution (HEI), whether
6 public or private, to disallow any student of post-secondary and higher
7 education from taking any midterm or final examination due to non-payment of
8 tuition and other school fees under the established terms of payment prescribed
9 by the concerned educational institution and approved by the Technical
10 Education and Skills Development Authority (TESDA), and the Commission on
11 Higher Education (CHED), respectively.
12
- 13 **SEC. 3. Coverage.** This Act shall cover all public and private post-secondary
14 tech-voc institutes and HEIs, including local colleges and universities.
15
- 16 **SEC. 4. Right of Students.** Students of post-secondary and higher education
17 shall have the right to take the midterm or final examinations notwithstanding
18 the existence of unpaid financial obligations to the school.
19
- 20 **SEC. 5. Obligation of Students.** The students and/or their parents, unless
21 waived by the school authorities concerned, shall be obligated to pay an interest
22 for the unpaid tuition and other school fees, which shall not be more than six
23 percent (6%) per annum, computed from the date of the examination taken by

1 the students until the date when the overdue and unpaid tuition and other
2 school fees are fully liquidated.

3
4 **SEC. 6. Rights of Schools.** The school authorities shall have the following
5 rights against students with financial obligations, which remain due and
6 unsettled, to their schools:

7
8 (a) To withhold the release of the grades of a student with delinquent
9 account until the unpaid tuition and other school fees, plus interest
10 charges, are fully paid;

11
12 (b) To deny admission or enrolment of any student having unsettled tuition
13 or other school fees at the next succeeding semester classes, in the case
14 of higher education, or at the next succeeding short-term course, in the
15 case of post-secondary tech-voc education, as the case may be, until the
16 previous delinquencies are fully paid; and

17
18 (c) To refuse issuance of school clearance to students with financial
19 obligations to the school until all previous delinquencies are fully paid.

20
21 **SEC. 7. Unlawful Acts.** In recognition of the students' right to take their
22 midterm and final examinations, the following acts by tech-voc institutes and
23 HEIs shall be considered unlawful:

24
25 (a) Disallowing students with due and unpaid tuition and other school fees
26 from taking the mid-term or final examination;

27
28 (b) Requiring the students to secure a permit to take the midterm or final
29 examination from the school authorities prior to the administration of
30 midterm periodic or final examination; and

31
32 (c) Compelling the students to pay upon enrollment a down payment or first
33 installment equivalent to more than thirty percent (30%) of the total
34 amount of tuition and other school fees for the entire semester or
35 duration of the course.

36
37 **SEC. 8. Penalties.** Any HEI or tech-voc institute official or employee, including
38 deans, coordinators, advisers, deans, professors, instructors and other
39 concerned individuals found guilty of violating any of the unlawful acts
40 enumerated in Section 7 of this Act shall be punished by a fine of not less than
41 Twenty Thousand Pesos (P20,000.00) but not more than Fifty Thousand Pesos
42 (P50,000.00).

43
44 **SEC. 9. Implementing Guidelines.** The TESDA and the CHED shall
45 promulgate the implementing guidelines necessary to enforce the objectives of
46 this Act.

1 **SEC. 10. Separability Clause.** If any provision or part thereof is held invalid or
2 unconstitutional, the other sections or provisions thereof shall not be affected
3 thereby and shall remain in force and effect.
4
5 **SEC. 11. Repealing Clause.** All laws, presidential decrees, executive orders,
6 proclamations, issuances, administrative orders, rules and regulations contrary
7 to or inconsistent with any provision of this Act are hereby amended, repealed
8 or modified accordingly.
9
10 **SEC. 12. Effectivity Clause.** This Act shall take effect fifteen (15) days after
11 its publication in a newspaper of general circulation.
12
13 *Approved,*

FACT SHEET

Substitute Bill to House Bills 807, 632, 2472, 2476 , 4175 & 4559

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

Introduced by: Reps. Palatino, Angara, Villar, Teodoro , Ferriol & C. Lopez

Committee Referral: COMMITTEE ON HIGHER AND TECHNICAL EDUCATION

Committee Chairperson: JUAN EDGARDO M. ANGARA

Objectives:

- To address the problems of having incomplete grades and suffering undue embarrassment on the part of the students for failure to take the midterm or final examination due to unpaid tuition and other school fees
- To ensure compliance of schools to the Manual of Regulations of Private Schools as well as the Memorandum Order of the Commission on Higher Education (CHED)
- To enable the students to concentrate on the review for the midterm or final examination instead of worrying about how to pay the tuition and other school fees and not being able to take the midterm or final examination on the scheduled dates

Key Provisions:

- Declares that post-secondary and higher education students shall have the right to take the midterm or final examination notwithstanding the existence of unpaid financial obligations to the school.
- States that unlawful practice constitutes the following acts: 1) disallowing students with unpaid tuition and other school fees from taking any midterm or final examination; 2) requiring students to secure a permit prior to the administration of the midterm or final examination; and 3) compelling the students to pay upon enrollment a down payment or first installment equivalent to more than thirty percent (30%) of the total amount of tuition and other school fees for the entire academic year, semester or duration of the course.

- Enumerates the rights of the the school authorities against students with delinquent financial obligations to their schools.
- Obligates the students and/or their parents to pay an interest for the unpaid tuition and other school fees, which shall not be more than six percent (6%) per annum, computed from the date of the examination taken by the student until the date when the overdue and unpaid tuition and other school fees are fully liquidated unless such interest is waived by the concerned school authorities.
- Imposes a fine of not less than Twenty Thousand Pesos (P20,000.00) but not more than Fifty Thousand Pesos (P50,000.00) for violations committed by any HEI or tech-voc institute official or employee, including deans, coordinators, advisers, professors, instructors and other concerned individuals found guilty of violating any of the provisions of the proposed Act

Related Laws:

- Batas Pambansa 232 (Education Act of 1982)
- Republic Act 7722 Higher Education Act of 1994)

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

**MINUTES OF THE MEETING OF THE COMMITTEE ON HIGHER AND TECHNICAL EDUCATION
HELD ON MAY 17, 2011 (TUESDAY), 9:30 A.M., CONFERENCE ROOMS 3 & 4, R.V. MITRA BLDG.,
HOUSE OF REPRESENTATIVES, QUEZON CITY**

I. CALL TO ORDER

Rep. Juan Edgardo M. Angara, Chair of the Committee on Higher and Technical Education (CHTE) and the Presiding Officer, called the meeting to order at 10:05 A.M.

II. ROLL CALL

On motion of Rep. Raymond Palatino, duly seconded, the Committee dispensed with the roll call.

III. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

The Committee also dispensed with the reading of the minutes of the previous meeting and approved the same.

IV. APPROVAL OF THE SUBSTITUTE BILL TO HOUSE BILLS 807, 632, 2472, 2476 & 4175 – 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 (Reps. Palatino, Angara, Villar, Teodoro & Ferriol)

Rep. Raymond Palatino, author of the lead bill, proposed to consolidate HB 4555 with the other bills after noting that the bill authored by Rep. Carlo Lopez and just recently referred to the CHTE is similar to the other bills earlier consolidated by the Committee secretariat. He emphasized that in his bill, there is no provision obligating students to pay an interest rate for delayed payment of tuition fees. Nevertheless, he said, he agreed to incorporate the payment of interest rates to address the concerns of schools and to balance the interests of both the schools and the students. He added that the substitute bill contains several provisions that would ensure that schools will achieve a healthy financial standing.

However, Rep. Mariano Piamonte made known his apprehension on approving the bill. He called the attention of the body to the fact that the substitute bill also covers basic education. Hence, he said, this should have been discussed jointly with the Committee on Basic Education and Culture (CBEC). He also lamented that the schools participating in the GASTPE (Government Assistance to Students and Teacher in Private Education) program are already experiencing delayed payments as far back as two years ago. He then proposed to limit the coverage of the bill to higher education institutions (HEIs).

Echoing the sentiment of Rep. Piamonte, Atty. Joseph Noel Estrada of the Coordinating Council of Private Educational Associations (COCOPEA) expressed his fear that the schools might not be able to sustain their operations if the bill does not provide for safeguards to the latter.

Rep. Angara allayed the fears of both Rep. Piamonte and the COCOPEA representative by pointing out that the bill does not only enumerate the rights of students, but also the rights of schools. He also informed the body that the CBEC gave the go signal for the CHTE to take up the substitute bill and will concur with the decision of the latter. Thereafter, he requested the principal author to comment on the proposal of Rep. Piamonte to limit the scope of the bill to post-secondary and higher education.

Expressing agreement to the proposal, Rep. Palatino acknowledged that the bill will have more impact on higher education than on basic education considering that educational institutions catering to elementary and high school students are mostly publicly owned.

On motion of the author, the Committee approved the bill with amendments.

VI. CONTINUATION OF DISCUSSION ON HOUSE RESOLUTION 162 (CR # 107) – Resolution Directing the Committee on Higher and Technical Education to Inquire into the Problems Affecting

Nursing Graduates, Nursing Students and Nursing Schools (Rep. Alcala); and HR 434 (CR# 310) - A Resolution Directing the Committee on Higher and Technical Education to Conduct an Inquiry, in Aid of Legislation, on the Fees Charged by Hospitals on Nursing Students for their On-the-Job Training and Other Similar Internship Programs (Rep. Palatino).

Recalling that the issue on collection of affiliation fees by hospitals has remained an unfinished business of the Committee, Rep. Angara asked Dr. Patricia Licuanan, the Commission on Higher Education (CHED) chair, to update the body on the status of the guidelines and public hearings on the matter.

Dr. Licuanan informed the Committee that the CHED reviewed and amended its existing policy to have stricter norms. She related that CMO No. 14, which has a transitory provision that kept CHED from taking action on nursing schools until 2013, was amended to allow it to act in 2011 and seriously start phasing out substandard or low-performing nursing schools. She also told the Committee Members that the CHED is fast-tracking the drafting of the guidelines on on-the job training (OJT) and collection of affiliation fees and is now conducting public consultations in coordination with the Department of Health (DOH).

The Committee Chair then advised the CHED to act swiftly on nursing schools. He also stated that it would be desirable if the Commission can come up with policy guidelines and standards before the opening of classes.

In reply, Dr. Licuanan assured the Committee that it is possible for the CHED to issue the CMO as soon as it has finished the conduct of public consultations either on the last week of May or in early part of June.

The other resource persons underscored the importance of making a distinction among the different terms mentioned in the resolutions. Ms. Leah Primitiva Samaco-Paquiz, president of ANG NARS, clarified that Related Learning Experience (RLE) fees are for undergraduates while OJT fees are for registered nurses giving service to hospitals. Dr. Teresita Barcelo, president of the Philippine Nurses Association (PNA), noted that nursing students refer to undergraduates while nursing graduates are those who are not yet board passers. She added that nurses are those who are board passers and registered with the Professional Regulation Commission (PRC). She also pointed out that registered nurses should not be made to volunteer and to pay because they are very much qualified for employment. She added that the training programs that registered nurses should undergo are those that are specialized and beyond the basics.

Meanwhile, Rep. Rachel Arenas brought up the issue of not allowing nursing students to graduate and requiring them to take the revalida for an additional fee. She related that some of her constituents sought her help and complained that they were not allowed to graduate because they were required to pay P15,000.00 to take the revalida. She then inquired from CHED if this is valid.

Dr. Licuanan assured the lawmaker that she would look into the matter. In the meantime, she explained that the revalida is part of the program of the school if it is in the curriculum. However, she said that if the requirement is not part of the curriculum and has no corresponding unit, then the additional requirement is considered anomalous.

Ms. Paquiz lamented that this is another form of hindering the progress of students and violating their rights because the schools think that the students might not be able to pass the board examination. That is why, she continued, the schools require the students to take the revalida and to enroll in review centers. She added that schools not only earn from these arrangements, but they see it as a way of improving their performance in licensure examinations.

Stressing that all fees should be approved by the CHED, Rep. Piamonte reminded the Commission to ensure the monitoring of all fees charged by schools. On problems concerning the required enrollment in review centers and the taking of the revalida or pre-board exams, he said these should not compensate for the school's failure to perform well.

For her part, Rep. Castro sought to know what CHED does to schools which charge additional fees to students. Likewise, Rep. Angara inquired about the sanctions for such violation.

Dr. Licuanan responded that in recognition of academic freedom, the CHED focuses more on the minimum requirements. However, she pointed out that if the collection of fees or the imposition of additional requirement is not legal and is just part of the school's mechanism to earn more money or to discourage poor performing students from taking the board exams, then CHED can use this as one of the criteria for withdrawing the permit of schools.

Meanwhile, Dr. Barcelo apprised the body about the practice of some schools of requiring the students to sign a contract stipulating that they will have to pass the revalida or the pre-board exam prior to graduation and taking of the board examination as a way of ensuring that the students are prepared to take the licensure exams.

Ms. Carmelita Divinagracia, a member of the CHED's Technical Panel on Nursing Education, mentioned that CMO No. 14 already includes all subject matters concerning the Bachelor of Science in Nursing (BSN) curriculum, with the addition of two new subjects that will cover the review for the entire curriculum as preparation for the board exam. The two new subjects, she said, consist of Competency Appraisal I and Competency Appraisal II.

Echoing the sentiment of Rep. Piamonte that the charging of additional fees to students is a case of exploitation, Rep. Castro stressed that it is high time for the CHED to act on complaints regarding the fees, if not totally scrap them.

For her part, Ms. Elizabeth Roxas, president of the Association of Deans of Philippine Colleges of Nursing (ADPCN), clarified that a revalida is a preparation for the board exam after completion of a four-year course. However, she emphasized that this should not prevent the students from graduating.

As regards the affiliation fees charged by hospitals, Ms. Roxas pointed out that these are still based on the old DOH policies. She also underscored the need for the CHED and the DOH to meet and to come up with a standardized policy.

On Ms. Grace Fernando's claim that the CHED has the mandate to prescribe affiliation fees, Dr. Licuanan stressed that although the Commission has jurisdiction over schools and regulation of OJT fees, it is the DOH which has the mandate on hospitals imposing additional fees. However, Ms. Fernando clarified that the DOH has no jurisdiction over lower level hospitals because these are under the local government units (LGUs).

This prompted the Committee Chair to remark that the situation has become more problematic because of finger-pointing.

To further enlighten the body on issues concerning affiliation and other fees, Dr. Divinagracia explained that hospitals require schools to comply or else, there will be no contract for the RLE of students. In addition, she said, hospitals charge a user's fee. The third one, she continued, is the so-called 'donation' which hospitals ask from nursing schools to allow them to use their facilities.

Dr. Divinagracia also informed the body that out of 1,900 hospitals, only 58 government hospitals are capable of accepting students during affiliation hours between six o'clock and ten o'clock in the morning. However, she said, some hospitals allow students to work on the night shift. She then appealed to the body to address the issues considering the scarcity of money and the downward enrollment trend in nursing.

In reaction, Rep. Castro stressed that the DOH should look into the case of hospitals charging fees. She also underscored the need to modify DOH policies to address the issue.

Meanwhile, the Committee Chair requested the DOH to submit data on the number of regional training hospitals in the country, as well as the number of students affiliated with hospitals.

Relative thereto, Ms. Roxas raised her concern that there are Colleges of Nursing that are affiliated not only with one hospital. She suggested that the number of students affiliated with hospitals be considered also.

When asked by the Committee Chair to give her recommendations to address the issue, Dr. Licuanan stressed the need to apply CMO No. 14 to improve the result of learning and to balance the number of hospitals and schools. She contended that hospitals accept donations because the nursing schools do not have base hospitals where the students can practice.

Meanwhile, Ms. Paquiz tackled the issue of unemployment of nurses. She averred that nurses do not have jobs because they are used as volunteers by hospitals. She further recommended the following: 1) The DOH look into the condition of nurses and the problem of exploitation; 2) Implement the DOH mandate of 1:12 nurse-patient ratio; 3) Implement the plantilla positions for nurses and create more plantilla positions for public, private institutions and "Nurses to the Barangays" program for LGUs; 4) Implement "equal pay for equal work" or Salary Grade 15 for nurses; 5) Provide humane and safe working conditions and decent working conditions; and 6) Create built-in-system policies for public and private institutions within the DOH and LGUs for nurses.

On the question posed by the Committee Chair regarding how to bridge the gap between unemployment and budget, Dr. Fernando maintained that the DOH is acting on the problem and has come up with the "RN Heals" Program to employ 10,000 nurses in rural health areas or in communities in

coordination with the LGUs. She further said that it is up to the LGUs if they want to retain the nurses after a year. She added that the DOH has also proposed a budget of P14.4 billion for 2012, which includes the amount of P5.3 billion for all deployment programs and P8.3 billion for hospital upgrading and staffing.

While Ms. Paquiz claimed that such is only a band-aid solution, Rep. Angara remarked that it is still commendable on the part of the DOH to have acted on the problem even if it is just a short-term solution.

Dr. Ma. Linda Buhat, president of the Association of Nursing Service Administrators of the Philippines (ANSAP), suggested that there should be a review of the plantilla positions in government hospitals. She informed the body that government hospitals now need 40 percent more than the existing nursing plantilla and some of these hospitals hire contractual personnel just to supplement the required nurse-patient ratio. In other hospitals, Dr. Buhat continued, nurses are overworked and hospitals cannot do anything about the situation. She added that the Department of Budget and Management (DBM) should do something about the matter.

Meanwhile, Dr. Carmencita Abaquin informed the Committee that the PRC has conceptualized a nursing management information system as part of PRC modernization activity to have a more credible data. She further said that the Board of Nursing is now working in tandem with the CHED to start the computerization of application system for nursing students and nurses.

For his part, Rep. Antonio Tinio stated that the solutions include government regulation or intervention and the strengthening of the public health system. He lamented that hospitals are in dire need of nurses and doctors. He also mentioned that the salary grade system for nurses is not being implemented because nurses only receive a salary equivalent to salary grade 11. The possible solutions, he said, have already been presented and what is needed is the political will from the government to implement them.

Rep. Angara hinted that the problems have something to do with lack of funds considering that there are costs that go with regulation. Personally, he said, he would rather prefer the construction of more hospitals and health centers than bloat the bureaucracy. He also requested the DOH representative to submit to the Committee the list of regional training hospitals all over the country.

However, Rep. Tinio clarified that he was thinking of the Department of Labor and Employment as the regulatory body that will oversee the practice of nursing in private hospitals.

On the part of the DOH, Ms. Fernando stated that there is already an ongoing rationalization program, which government hospitals have long been waiting for so they can employ not only nurses and other health workers. She also informed the body that the Health Secretary has already directed the DOH to create an ad hoc committee to investigate the complaints. She added that upon investigation, it was initially found out that the students themselves prefer to volunteer and even to pay so that they will have the work experience to qualify for overseas employment. As for volunteerism, she said, there should be no payment and no expectation of benefits. For trainings, there should be a clear structure on how these will be conducted and the competencies to be achieved at the end of the training program.

At this point, Rep. Tinio asked the DOH to justify the need to come up with guidelines considering that nurses are already licensed.

Ms. Fernando replied that she was referring to specialized and not basic training where the students will undergo the same training they had acquired in school.

Rep. Angara remarked that it appears that nurses are being abused when they are used by hospitals under the guise of some kind of training. He inquired if there is an office in the DOH to act on complaints or mechanisms to prevent abuse of nurses.

Ms. Fernando admitted that there is no office that receives and addresses complaints of abuse of nurses. Nevertheless, she assured the Committee Chair that the DOH has already conducted a study on the issues and would soon come up with guidelines on training.

On the statement of Rep. Mercedes Alvarez that nurses should be informed that volunteerism is not required, Dr. Roxas informed the body that it is the advocacy of her group to advise graduates not to volunteer for a fee. She clarified that while the ADCPN does not discourage volunteerism, it is against paying for such act.

Meanwhile, King Philip So Chan, also of ANG NARS, condemned the ongoing exploitation of nurses through false volunteerism. He lamented that most nurses have no salaries, no benefits and no protection.

While acknowledging that there are multifaceted problems in the Nursing profession, Rep. Angara also stressed that the Committee should not lose focus on what can be done to address the problem.

Hence, he said, the Committee specifically wants to determine what CHED is doing on the issue of affiliation fees. Finally, he requested the CHED Chair to be ready with the report on the outcome of its public consultation on the fees when Congress resumes its session in July.

VII. ADJOURNMENT

Due to lack of time, the Presiding Officer declared the meeting adjourned at 12:45 P.M.

Prepared by:

ORIGINAL SIGNED
FRANCES MELANIE U. MAURICIO
Supervising Legislative Staff Officer II

Certified Correct:

ORIGINAL SIGNED
ZENaida B. CENIDO
Committee Secretary, CHTE

ORIGINAL SIGNED
Noted by:

REP. JUAN EDGARDO M. ANGARA
CHTE Chair/ Presiding Officer

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 807

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.

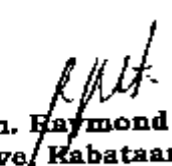
Consequently, apart from the unabated increase in tuition and other school fees in private

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

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 807

Introduced by **KABATAAN Party-list Rep. Raymond V. Palatino**

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,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

632
H. B. No. _____

Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

EXPLANATORY NOTE

The unhealthy state of our economy at present greatly burdens the society. The effect of our economic problems spans across almost all sectors, including the studentry.

As tuition and school fees continue to increase in both private and public schools, more students find themselves struggling to meet the scheduled dates of payment since failure to do such would mean being disallowed by the school administrators from taking the mid-term or final examinations.

To aid the students in their plight, this bill declares unlawful for any school, public or private, to disallow any student from taking any mid-term or final exam due to non-payment of tuition fees.

Furthermore, this bill seeks to prescribe a reasonable compromise between the competing needs of students and the school administration.


JUAN EDGARDO "SONNY" M. ANGARA
Representative
Lone District, Province of Aurora

H. B. No. 632

Introduced by Honorable JUAN EDGARDO "SONNY" M. ANGARA

AN ACT
PROHIBITING PRIVATE AND PUBLIC SCHOOLS FROM DISALLOWING
STUDENTS WITH DELINQUENT TUITION FEES TO TAKE THE MIDTERM OR
FINAL EXAMINATIONS AND FOR OTHER PURPOSES

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

SECTION 1. Unlawful Practice.- It is hereby declared unlawful for any school, public or private, to disallow any student from taking any midterm or final examination due to non-payment of tuition fees not exceeding one installment under the established terms of payment prescribed by the school concerned and approved by the Department of Education.

SEC. 2. Rights of Schools.- Students permitted to take mid-term or final examinations notwithstanding, the school authorities have the following rights:

- a. The school authorities concerned are entitled to withhold the release of the grades of such students until the unpaid tuition, plus interest charges, are fully paid;
 - b. A student with an unpaid tuition fee, may not be admitted by the school authorities concerned at the next succeeding semester classes or at the next succeeding opening of a new academic year, as the case may be, until the prior delinquencies are fully paid,
-

c. The school authorities concerned cannot be compelled to issue clearance to students with financial obligations to their schools, which remain due and unpaid.

SEC. 3. Obligation of Students- The students and/or their parents, unless waived by the school authorities concerned shall be obligated to pay an interest for the unpaid tuition fees, an amount equivalent to not more than **14%** per annum, computed from the date of the examination taken until the tuition due and unpaid, are fully liquidated.

SEC. 4. Implementing Guidelines- The Department of Education shall promulgate the implementing guidelines necessary to enforce the objectives of this Act.

SEC. 5. Penalty Imposed.- 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 P20,000.00 but not more than P50,000.00.

SEC. 6. Effectivity Clause. This Act shall take effect fifteen **(15)** days after its publication in at least two newspapers of general circulation.

Approved,

CONGRESS OF THE PHILIPPINES
FIFTEENTH CONGRESS
First Regular Session

HOUSE OF REPRESENTATIVES

House Bill No. 2472

Introduced by REP. MARK A. VILLAR

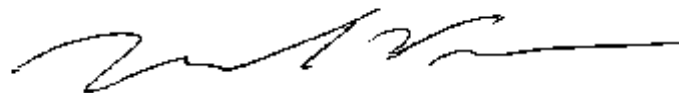
EXPLANATORY NOTE

Article XIV, Section 1 of the Constitution provides 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.

Unfortunately, despite the said Constitutional mandate, it has been a common practice by most private schools to disallow students with delinquent tuition fees to take examinations. This practice does not only run counter to afore-stated policy, it also embarrasses the students whose only fault is being unable to provide for their education. This traumatizes the students and discourages them from continuing with their studies. As a result, it shuts their hopes and dreams. Thus, it is about time to put an end to this practice.

The ends sought by this Bill should not, however, mean that schools should be left without recourse in cases of delinquent tuition fees as the protection of schools is vital to ensure accessibility to quality education. As such, in addition to their existing rights, this Bill expressly and clearly sets forth the school's rights and recourse in cases of delinquent tuition fees.

In view of the foregoing, early passage of this bill is earnestly requested



MARK A. VILLAR
Representative, Lone District of Las Piñas City

CONGRESS OF THE PHILIPPINES
FIFTEENTH CONGRESS
First Regular Session

HOUSE OF REPRESENTATIVES

House Bill No. 2472

Introduced by REP. MARK A. VILLAR

AN ACT
PROHIBITING PRIVATE SCHOOLS FROM DISALLOWING
STUDENTS WITH DELINQUENT TUITION FEES TO TAKE THE MIDTERM OR
FINAL EXAMINATIONS AND FOR OTHER PURPOSES

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

SECTION 1. Unlawful Practice.- It is hereby declared unlawful for any private school to disallow any student from taking any midterm or final examination due to non-payment of tuition fees under the established terms of payment prescribed by the school concerned and approved by the Department of Education.

SECTION 2. Rights of Schools.- Students permitted to take mid-term or final examinations notwithstanding, in addition to the existing rights provided by law, the school authorities shall have the following rights:

a. A student with an unpaid tuition fee, may not be admitted by the private school authorities concerned at the next succeeding semester classes or at the next succeeding opening of a new academic year, as the case may be, until the prior delinquencies are fully paid; and

b. The private school authorities concerned cannot be compelled to issue clearance to students with financial obligations to their schools, which remain due and unpaid.

SECTION 3. Obligation of Students- The students and/or their parents, unless waived by the school authorities concerned, shall be obligated to pay an interest for the unpaid tuition fees, an amount equivalent to not more than **14%** per annum, computed from the date of the examination taken until the tuition due and unpaid, are fully liquidated.

SECTION 4. Implementing Guidelines- The Department of Education shall promulgate the implementing guidelines necessary to enforce the objectives of this Act.

SECTION 5. Penalty Imposed.- 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 P20,000.00 but not more than P50,000. 00.

SECTION 6. Effectivity Clause. This Act shall take effect fifteen **(15)** days after its publication in at least two newspapers of general circulation.

Approved.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2476

INTRODUCED BY: HON. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

The alarming state of the economy aggravated by the instability of our country's political climate troubles the people in many ways. It may be one major problem that had greatly hampered the advancement of quality and accessible education.

As tuition and other school fees continue to increase both in public and private schools, it is very difficult for most students, especially their parents, to make good on their obligations to pay tuition fees on time. And this is disheartening since failure to do such would mean being prevented by the school administrators from taking the mid-term or final examinations.

The situation, indeed, runs counter to the pronouncements of the fundamental law which provides "that the State shall protect and promote the right of all citizens to quality and accessible education" and the State in recognition of the complementary roles of public and private institution in the educational system "shall exercise reasonable supervision and regulation of all educational institutions."

Hence, this bill hopes to help students in their request for knowledge by declaring it unlawful for any public or private school, to disallow any student from taking any periodic or final exam for mere failure to pay tuition fees on time, while providing for penalties for violation of such policy.

In view of the foregoing, consideration of this bill is urgently sought.



MARCELINO "MARCY" R. TEODORO
Representative, 1st District
City of Marikina

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2476

INTRODUCED BY: HON. MARCELINO "MARCY" R. TEODORO

AN ACT

PROHIBITING PRIVATE AND PUBLIC SCHOOLS FROM DISALLOWING STUDENTS WITH UNPAID TUITION AND OTHER SCHOOL FEES TO TAKE PERIODIC OR FINAL EXAMINATIONS, PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. Declaration of Policy. - It is hereby declared unlawful for any public or private school, to prevent or disallow its students from taking any periodic or final examination due to non-payment of tuition and other school fees.

SECTION 2. Rights and Obligations. (1) The school authorities have the following rights against students with financial obligations to their schools, which remain due and unsettled:

- a. To withhold the release of the grades of a student with delinquent account until the unpaid tuition fees are fully paid.
- b. To deny admission or enrolment of any student having unsettled tuition or other school fees at the next succeeding semester or at the next succeeding academic year, as the case may be, until the previous delinquencies are fully paid; and
- c. To refuse issuance of school clearance to students with unsettled account.

(2) Students are hereby accorded the right to take periodic or final examinations, notwithstanding existence of unpaid financial obligations in favor of the school.

SECTION 3. Implementing Guidelines. - The Commission on Higher Education shall issue such rules and regulations as may be necessary to carry out the purpose of this Act.

SECTION 4. Penalty Imposed. - 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 Php 20,000.00 but not more than Php 50,000.00.

SECTION 5. Separability Clause. - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or provision not otherwise affected shall remain valid and subsisting.

SECTION 6. Repealing Clause. - All other laws, presidential decrees, executive orders, proclamations and/or administrative regulations which are inconsistent with the provisions of this Act are hereby amended, modified, superseded or repealed accordingly.

SECTION 7. Effectivity Clause. - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two newspapers of general circulation.

Republic of the Philippines
House of Representatives
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 4175

Introduced by: REPRESENTATIVE ABIGAIL FAYE C. FERRIOL

EXPLANATORY NOTE

The increase in tuition and other fees in schools have become a burden to Filipinos. Oftentimes occurring annually, this has been experienced both in public and private schools. With wages not able to keep up with the rising cost of education, aside from other basic needs, parents have faced increasing difficulty in providing for the quality education of their children.

In order to mitigate this situation, this bill prohibits public and private schools from disallowing their students from taking the midterms and final exams because of delinquency in paying tuition fees. While serving as advocate of the primacy of meeting the educational needs of students, this bill considers the interests of the school authorities as well.

In view of the foregoing, the passage of the bill is earnestly sought.


ABIGAIL FAYE C. FERRIOL

Republic of the Philippines
House of Representatives
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 4175

Introduced by: REPRESENTATIVE ABIGAIL FAYE C. FERRIOL

**AN ACT
PROHIBITING PUBLIC AND PRIVATE SCHOOLS FROM DISALLOWING
STUDENTS WITH DELINQUENT TUITION FEES TO TAKE THE MIDTERM OR
FINAL EXAMINATIONS AND FOR OTHER PURPOSES**

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

SECTION 1. *Unlawful Practice.* – It is hereby declared unlawful for any school, whether public or private, to disallow any student from taking any midterm or final examination due to non-payment of tuition fees not exceeding one installment under the established terms of payment prescribed by the school concerned and approved by the Department of Education.

SEC. 2. *Rights of Schools.* – Students permitted to take mid-term or final examinations notwithstanding, the school authorities have the following rights:

- a. The school authorities concerned are entitled to withhold the release of the grades of such students until the unpaid tuition, plus interest charges, are fully paid;
- b. A student with an unpaid tuition fee may not be admitted by the school authorities concerned in the succeeding semester classes or in the succeeding opening of a new academic year, as the case may be, until prior delinquencies are fully paid;
- c. The school authorities concerned cannot be compelled to issue clearance to students with financial obligations to their schools, which remain due and unpaid.

SEC. 3. *Obligation of Students.* – The students and/or their parents, unless waived by the school authorities concerned shall be obligated to pay an interest for the unpaid tuition fees, an amount equivalent to not more than 5% per annum, computed from the date of the examination taken until the tuition due and unpaid, are fully liquidated.

SEC. 4. *Implementing Rules and Regulations.* – The Secretary of the Department of Education shall, within sixty (60) days from the effectivity of this Act, promulgate the necessary rules and regulations for the effective implementation of the provisions of this Act.

SEC. 5. *Penal Clause.* – Violations of the provisions of this Act shall be punished by the suspension and/or cancellation of the permits of the offending schools.

SEC. 6. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

FIRST REGULAR SESSION

House Bill No. 4559



Introduced by Representative **Carlo V. Lopez**

EXPLANATORY NOTE

Poverty is the most serious problem being encountered by various sectors of our countrymen today. One such sector is education.

On account of economic difficulties besetting our country today, private schools are forced to increase schools fees which naturally will have to be borne by our poor parents.

Consequently, to make effective the policy to increase school fees, school authorities are compelled to disallow students with arrearages in school fees from taking mid-term or final examinations unless delinquencies are first settled.

To remedy the foregoing problem, this bill seeks to prescribed a reasonable compromise between the competing needs of students and the administration of the schools where such students are enrolled.


CARLO V. LOPEZ
2nd District, Manila

April 4, 2010

SEC. 4. *Implementing Rules and Regulations.* – The Secretary of the Department of Education shall, within sixty (60) days from the effectivity of this Act, promulgate the necessary rules and regulations for the effective implementation of the provisions of this Act.

SEC. 5. *Penal Clause.* – Violations of the provisions of this Act shall be punished by the suspension and/or cancellation of the permits of the offending schools.

SEC. 6. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

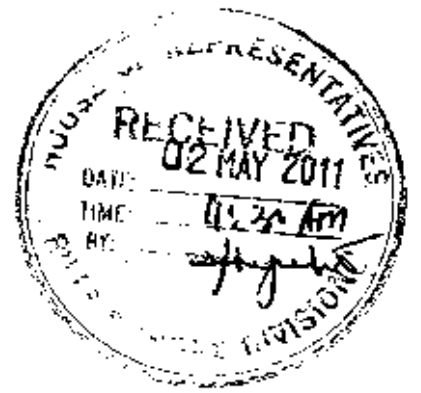
Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

FIRST REGULAR SESSION

House Bill No. 4559



Introduced by Representative **Carlo V. Lopez**

EXPLANATORY NOTE

Poverty is the most serious problem being encountered by various sectors of our countrymen today. One such sector is education.

On account of economic difficulties besetting our country today, private schools are forced to increase schools fees which naturally will have to be borne by our poor parents.

Consequently, to make effective the policy to increase school fees, school authorities are compelled to disallow students with arrearages in school fees from taking mid-term or final examinations unless delinquencies are first settled.

To remedy the foregoing problem, this bill seeks to prescribed a reasonable compromise between the competing needs of students and the administration of the schools where such students are enrolled.



CARLO V. LOPEZ
2nd District, Manila

April 4, 2010

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

FIRST REGULAR SESSION

House Bill No. **4559**

Introduced by Representative **Carlo V. Lopez**

AN ACT

PROHIBITING PRIVATE AND PUBLIC SCHOOLS FROM DISALLOWING STUDENTS WITH DELINQUENT TUITION FEES TO TAKE THE MID-TERM OR FINAL EXAMINATIONS AND FOR OTHER PURPOSE.

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

Section 1. Unlawful Practice -- It is hereby declared unlawful for any school, public or private, to disallow any student from taking any mid-term or final examination due to non-payment of tuition fees subject to such terms of payment prescribed by the school concerned and approved by the Department of Education.

Section 2. Rights of School -- Students permitted to take mid-term or final examinations, notwithstanding their non-payment of school fees shall be subject, to the following:

The school authorities concerned are entitled to withhold the release of the grades of such students until the unpaid tuition fees, plus interest charges, are fully paid.

A student, with an unpaid tuition fee, may be admitted by the school authorities concerned at the next succeeding semester's classes or at the next succeeding opening of a new academic year, as the cause may be, until the prior delinquencies are fully paid.

The school authorities concerned cannot be compelled to issue clearance to students with financial obligations to their schools, which are due and unpaid.

Section 3. Obligations of Students -- The students and/or parents, unless waived by the

school authorities concerned shall be obligated to pay an interest for the unpaid tuition fees, an amount equivalent to not more than fourteen percent (14%), per annum, computed from the date of the examination taken until the tuition fee due and unpaid, are fully liquidated.

Section 4. Implementation Guidelines - The Department of Education shall promulgate the implementing guidelines necessary to enforce fully the objectives of this Act.

Section 5. Penalty Imposed - Violations of the provisions of this Act shall be punished by suspension and/or cancellation of the permits of the offending schools and fine of not less than Twenty Thousand Pesos (P20,000.00) but not exceeding Fifty Thousand Pesos (P50,000.00).

Section 6. Effectivity - This Act shall take effect 15 days after its publication in the Official Gazette or at least 2 newspapers of general circulation.

Approved,
