

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5537



Introduced by **HON. ROMERO FEDERICO "MIRO" S. QUIMBO**

EXPLANATORY NOTE

Section 1 of Article XIV of the 1987 Philippine Constitution provides that "[t]he 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."

It is unfortunate that despite this explicit mandate of the Constitution, many Filipino children have been forced to stop attending primary and secondary schools due to poverty. Oftentimes, as in the case of many of my indigent constituents in the Second District of Marikina City, the stoppage is the result of the refusal of a student's former school to release academic records and other documents required by the student to transfer to a public school due to the student's failure to settle financial obligations with the former school. Sadly, there is no law that addresses this iniquitous practice.

This bill seeks to correct this practice. This bill is premised on my personal conviction that no child should be deprived of education due to poverty. The rights of our children to education, to learn and to be able to be given the opportunity to develop their faculties to be productive members of our society take precedence over the property and proprietary rights of school owners. This does not mean however that there is reason for school owners to fret. Clear and reasonable measures are provided by this bill to ensure that while the right to education is upheld, the rights of school owners are also secured.

The expedient approval and passage of this bill into law is strongly recommended.

A handwritten signature in dark ink, appearing to be "R. Quimbo".

ROMERO FEDERICO "MIRO" S. QUIMBO
Representative
Second District Marikina City

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Introduced by HON. ROMERO FEDERICO "MIRO" S. QUIMBO

AN ACT
PROHIBITING PRIVATE AND PUBLIC SCHOOLS FROM WITHHOLDING THE
ACADEMIC RECORDS OF STUDENTS FOR NON-PAYMENT OF TUITION AND
OTHER FEES AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as the "Anti-Withholding of Student Records Act of 2011."

SECTION 2. *Unlawful Practice.* – It is hereby declared unlawful for any pre-school, elementary school and high school, public or private, to withhold the academic records, certifications or any other documents necessary for any of its student, present or former, to transfer to a public pre-school, elementary school or high school for non-payment of tuition and/or other fees.

SECTION 3. *Obligation of Students, Parents and Guardians.* – Pre-school, elementary and high school students who wish to obtain their academic records, appropriate certifications or any documents for purposes of transferring to a public school but are financially incapable to settle, in part or in full, their tuition and other fees shall be allowed to obtain their academic records, certifications or other pertinent documents upon the execution of a promissory note in favour of the school covering the unpaid obligation. The promissory note may be signed and executed solely by the student if such student is 21 years old or older. If the student is above 18 years old but below 21 years old, the promissory note shall be signed and executed by the student but with a written guaranty from the parents or legal guardian of the student. If the student is a minor, the promissory note shall be signed and executed by at least one of the parents or the legal or de facto guardian of the student.

The promissory note must also be accompanied by a notarized affidavit of the person or persons signing the promissory note that the academic records, certification or documents to be released by the school shall be used for the student's transfer to a public school

If the amount of the unpaid obligation of the student is more than twenty five thousand pesos (P25,000.00), the promissory note shall be secured by a real estate mortgage, chattel mortgage or a written guaranty by a third person with sufficient proof of capacity to pay the obligation.

SECTION 4. *Penalty.* – Any person withholding or causing another person to withhold the academic records, certifications or any other documents required for a student to transfer to a public school shall be liable to pay the fine of fifty thousand pesos (P50,000.00) to one hundred thousand pesos (P100,000.00) or suffer imprisonment for not less than thirty (30) days but not more than ninety (90) days or both fine and imprisonment.

Any school found by the Department of Education to have violated provisions of this Act shall be administratively punished by the suspension or cancellation of its permit to operate issued by the Department of Education and pay an administrative fine of not less than fifty thousand pesos (P50,000.00) but not more than one hundred thousand pesos (P100,000.00).

SECTION 5. *Implementing Rules and Regulations.* – The Department of Education shall promulgate the implementing rules and regulations necessary to enforce the objectives of this Act.

SECTION 6. *Repealing Clause.* – All laws, decrees, executive orders, or rules and regulations and other issuances, or parts thereof which are inconsistent with or contrary to the provisions of this Act or its purposes are hereby repealed, amended, or modified accordingly.

SECTION 7. *Separability Clause.* – If, for any reason, any provision of this Act, or the application thereof to any person or circumstances, is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

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

Approved.