

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 350



Introduced by Reps. NERI J. COLMENARES, CARLOS ISAGANI T. ZARATE,
LUZVIMINDA C. ILAGAN, EMMI A. DE JESUS, ANTONIO L. TINIO,
FERNANDO HICAP and TERRY RIDON

AN ACT
PROTECTING THE RIGHT OF STUDENTS OF COURSES REQUIRING
PROFESSIONAL LICENSING EXAMINATIONS TO ENROLL IN REVIEW
CENTERS OF THEIR CHOICE AND PROVIDING PENALTIES FOR
VIOLATIONS THEREOF

EXPLANATORY NOTE

The controversial nursing board exam of 2006 brought to the fore not only the problem of cheating conducted by some nursing review centers but other irregularities as well.

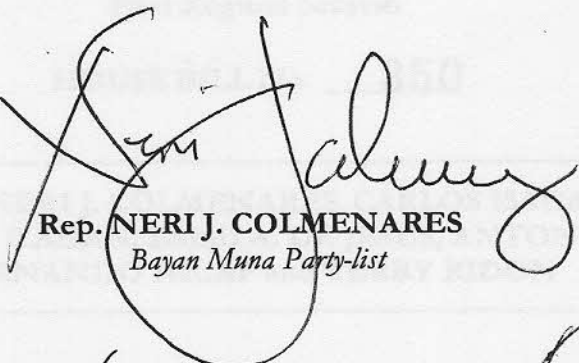
Among these are the exorbitant fees collected by nursing schools for the inclusion of board exam review sessions in their curriculum. In many cases, these fees are collected as a requirement for graduation. A common practice in courses requiring professional licensing examinations is for students to be forced to pay for review sessions in a particular review center of the school's choice. These review sessions are often counted as required subjects, with corresponding units that have to be earned.

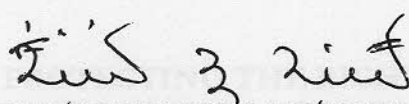
While it is imperative to ensure that students pass their board exams, an exclusive partnership between a nursing school and a review center is unnecessary and often results in a collusion to charge higher, unjustifiable fees from students and their parents. This is especially true in a situation where students are not given the chance to choose review centers that are more accessible and affordable to them. In the first place, review courses are supposed to be optional and do not form part of the curriculum.

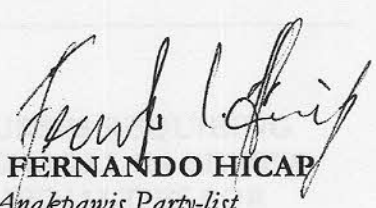
This bill aims precisely to protect the rights of students to choose their own review centers. Any school which compels its students to take board review classes or study in a particular review center will be penalized and their permit to operate revoked. Also, the withholding of any essential scholastic document by the school to pressure the students into enrolling in a particular review center will be deemed unlawful.

The previous Congress approved this measure on third reading and thus immediate approval of this bill is earnestly sought in the 16th Congress.

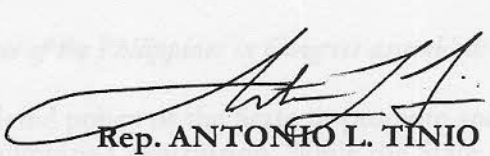
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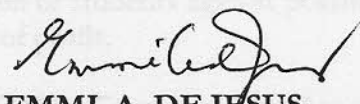

Rep. NERI J. COLMENARES
Bayan Muna Party-list

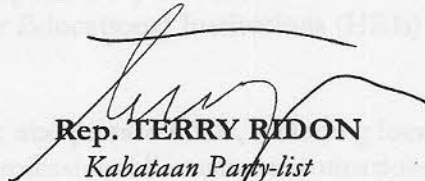

Rep. CARLOS ISAGANI T. ZARATE
Bayan Muna Party-list


Rep. FERNANDO HICAP
Anakpawis Party-list

Rep. LUZVIMINDA C. ILAGAN
Gabriela Women's Party


Rep. ANTONIO L. TINIO
ACT Teachers Party-list


Rep. EMMI A. DE JESUS
Gabriela Women's Party


Rep. TERRY RIDON
Kabataan Party-list

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

SECTION 1. Declaration of Policies. It is the declared policy of the State to promote and protect the right to education as enshrined in the Philippine Constitution. While the State recognizes the complimentary roles of public and private institutions in the enhancement and strengthening of the educational system, it is also the responsibility of the state to ensure the protection of students against possible abuses by Higher Educational Institutions (HEIs) in the interest of profit.

SECTION 2. Coverage. This Act shall cover all public and private HEIs, including local colleges and universities, offering courses that require professional licensure examinations.

SECTION 3. Unlawful acts. In recognition of the student's freedom to choose his/her review center, the following acts by HEIs shall be considered unlawful:

1. Compelling students enrolled in courses requiring professional examinations to take review classes in a review center of the HEI's choice;
2. Making such review classes as prerequisites for graduation or completion of the course; and
3. Withholding the transcript of scholastic records, diploma, certification or any essential document of the student to be used in support of the application for the professional licensure examinations so as to compel the students to attend a review center of the HEI's choice.

SECTION 4. *Penalties.* Any HEI official or employee found guilty of violating any of the unlawful acts enumerated in Section 3 of this Act shall suffer the penalty of *prison correctional* or imprisonment from six (6) months and one (1) day to six (6) years.

In addition, the Commission on Higher Education (CHED) may impose disciplinary sanctions against a HEI official or employee violating this Act pursuant to Section 13 of Republic Act No. 7722, otherwise known as the Higher Education Modernization Act of 1994.

SECTION 5. *Implementing Rules and Regulations.* The CHED shall be tasked to issue the implementing rules and regulations of this Act within thirty (30) days after this law takes effect.

SECTION 6. *Separability Clause.* Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

SECTION 7. *Repealing Clause.* All laws, rules and regulations inconsistent with the provisions of this Act are hereby amended, modified or repealed accordingly.

Section 8. *Effectivity Clause.* This act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation in the Philippines.

Approved,