

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

H. B. No. **3091**



Introduced by HONORABLE CZARINA D. UMALI

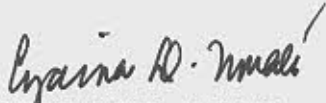
EXPLANATORY NOTE

Current economic realities show the great burden that we all have to shoulder. The effects are felt by all sectors, specially the studentry.

With the unabated increase in tuition and school fees in both private and public schools, more and more families and students find it hard to meet payment schedules resulting to missed examinations.

In acknowledgment of these harsh economic realities, this bill seeks to aid the students and their families by making it unlawful for any school, private or public, to disallow students from taking their examinations due to non-payment of school fees.

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


CZARINA D. UMALI
Representative
3rd District, Nueva Ecija

REPUBLIC OF THE PHILIPPINES
House of Representatives

Sixteenth Congress
First Regular Session

HOUSE BILL NO. **3091**

Introduced by: HONORABLE CZARINA D. UMALI

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:

SECTION 1. *Short Title.* This Act shall be known as the "Anti-'No Permit, No Exam' Act of 2011."

SEC. 2. *Declaration of Policy.* It is hereby declared unlawful for any technical-vocational (tech-voc) institute or higher education institution (HEI), whether public or private, to disallow any student of post-secondary and higher education from taking any midterm or final examination due to non-payment of tuition and other school fees under the established terms of payment prescribed by the concerned educational institution and approved by the Technical Education and Skills Development Authority (TESDA), and the Commission on Higher Education (CHED), respectively.

SEC. 3. *Coverage.* This Act shall cover all public and private post-secondary tech-voc institutes and HEIs, including local colleges and universities.

SEC. 4. *Right of Students.* Students of post-secondary and higher education shall have the right to take the midterm or final examinations notwithstanding the existence of unpaid financial obligations to the school.

SEC. 5. *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 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 students until the date when the overdue and unpaid tuition and other school fees are fully liquidated.

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

- (a) To withhold the release of the grades of a student with delinquent account until the unpaid tuition and other school fees, plus interest charges, are fully paid;
- (b) To deny admission or enrolment of any student having unsettled tuition or other school fees at the next succeeding semester classes, in the case of higher education, or at the next succeeding short-term course, in the case of post-secondary tech-voc education, as the case may be, until the previous delinquencies are fully paid; and
- (c) To refuse issuance of school clearance to students with financial obligations to the school until all previous delinquencies are fully paid.

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

- (a) Disallowing students with due and unpaid tuition and other school fees from taking the mid-term or final examination;
- (b) Requiring the students to secure a permit to take the midterm or final examination from the school authorities prior to the administration of midterm periodic or final examination; and
- (c) 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 semester or duration of the course.

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

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

SEC. 10. *Separability Clause.* If any provision or part thereof is held invalid or unconstitutional, the other sections or provisions thereof shall not be affected thereby and shall remain in force and effect.

SEC. 11. *Repealing Clause.* All laws, presidential decrees, executive orders, proclamations, issuances, administrative orders, rules and regulations contrary to or inconsistent with any provision of this Act are hereby amended, repealed or modified accordingly.

SEC. 12. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,