

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

9012
HOUSE BILL NO. _____



Introduced by **KABATAAN PARTY-LIST Representative Sarah Jane I. Elago**

EXPLANATORY NOTE

Article II Section 17 of the 1987 Constitution states, "The State shall give priority to education, science and technology, art, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development."

This is the guiding principle behind the crafting of the Comprehensive Free Public Education Bill. Thrust before Congress is a bill drafted collectively by youth and students in the Philippines to holistically address the worsening state of the Philippine public higher education system. This proposed bill not only seeks to make public education up to the tertiary level ultimately free and accessible to all, but also to uphold the public character of our government-run higher education institutions, and address the structural ills of the Philippine education system.

Deregulated educational system

The government persists in treading the path of deregulation in education. It basically gives schools the liberty to increase fees without exercising strict control and oversight, resulting in annual TOSF increases in hundreds of schools nationwide.

While claiming credit for the free education program, the Duterte government has not reversed the state policy of deregulating education. This is because the primary beneficiaries of expensive education are big capitalist educators who earn massive profits from education among their other business interests: Ayala's, Sy's, Lucio Tan, among others.

The Need for Free Public Higher Education

Clearly, there is a need for a paradigm shift in higher education, a shift that should reverse the reigning system that turned college education into an expensive private pursuit. This bill thus seeks to introduce a system of free public higher education, with particular emphasis on promulgating new state policy that translates to a repudiation of the neoliberal education framework. This amendment has the following features:

- **Abolition of the Tuition System** – The proposed bill does not espouse the concept of "subsidizing" tuition and other school fees. Rather, it rethinks the manner in which public financing of state-run higher education institutions is done. Instead of creating a separate fund to pay for the equivalent tuition and other school fee rates of students, this bill seeks to finance the actual "cost of attendance" of students, the total amount a particular state-run university or college needs to provide education for a student per year, including proportional cost per student for personnel services, maintenance and other operating expenses, and capital outlay. The total projected cost of attendance will become the primary determinant of a state-run university or college's annual funding from the government and shall also serve as guide for the Executive Department in preparing the annual national expenditure program.

If passed, this amendment stands to benefit not only the students currently enrolled in SUCs and all other public universities and colleges covered by RA 10931 or the Universal Access to Quality Tertiary Education, but also millions of others who will be able to enter college without fearing the heavy costs. At a more fundamental level, the passage of this bill will also result in the reversal of decades of attacks on the right of every Filipino to education.

Believing that fundamental changes in education should address the basic ills that hound the system, we need to collectively strive for a type of education that is not only free, but also empowering and liberating.

In this light, the passage of this bill is earnestly sought.

Hon. Sarah Jane I. Elago
Representative, Kabataan Party-list

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HOUSE BILL NO. 9012

Introduced by **KABATAAN PARTY-LIST Representative Sarah Jane I. Elago**

AN ACT
INSTITUTIONALIZING FREE PUBLIC TERTIARY EDUCATION THROUGH
INTRODUCTION OF COST OF ATTENDANCE AS PRIMARY DETERMINANT OF
STATE-RUN UNIVERSITY OR COLLEGE'S ANNUAL FUNDING FROM THE
GOVERNMENT, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10931,
OTHERWISE KNOWN AS THE "UNIVERSAL ACCESS TO QUALITY TERTIARY
EDUCATION"

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

SECTION 1. Section 3 of Republic Act No. 10931, otherwise known as the "Universal Access to Quality Tertiary Education", is amended to read as follows:

"Section 3. *Definition of Terms.* - As used in this Act:

xxx xxx xxx

(A) COST OF ATTENDANCE REFERS TO THE TOTAL AMOUNT A PARTICULAR STATE-RUN UNIVERSITY OR COLLEGE NEEDS TO PROVIDE EDUCATION FOR A STUDENT PER YEAR, INCLUDING THE PROPORTIONAL COST PER STUDENT FOR PERSONNEL SERVICES, MAINTENANCE AND OTHER OPERATING EXPENSES, AND CAPITAL OUTLAY. THE TOTAL PROJECTED COST OF ATTENDANCE SHALL BE THE PRIMARY DETERMINANT OF A STATE-RUN UNIVERSITY OR COLLEGE'S ANNUAL FUNDING FROM THE GOVERNMENT;

([a]B) Cost of Tertiary Education refers to (1) tuition and other school fees, (2) educational expenses and (3) the cost of living allowance;

([b]C) Graduate courses refers to higher education programs leading to a certificate, diploma, master's or doctorate degrees, as may be authorized and recognized by the Commission on Higher Education (CHED)..."

xxx xxx xxx

1 **SECTION 2.** Section 4 of the same act is amended to read as follows:

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3 **"Section 4.** Free Higher Education in SUCs and LUCs. - All Filipino students
4 who are either currently enrolled at the time of the effectivity of this Act, or shall
5 enroll at any time thereafter, in courses in pursuance of a bachelor's degree,
6 certificate degree, or any comparable undergraduate degree in other school fees
7 for units enrolled in: Provided, That they pass the entrance examination and
8 other admission and retention requirements of the SUCs and LUCs: Provided.
9 Further, That all SUCs and LUCs shall create a mechanism to enable students
10 with the financial capacity to pay for their education in the SUC and LUC to
11 voluntarily opt out of the tuition and other school fees subsidy or make a
12 contribution to the school. SUCs and LUCs must report the tuition payments and
13 contributions collected from these students to the CHED: *Provided, finally, That*
14 the amount required to implement the free tuition and other school fees in SUCs
15 and LUCs shall be determined by the respective governing boards of SUCs and
16 LUCs based on the **EXPECTED TOTAL COST OF ATTENDANCE, IN**
17 **RELATION TO THE** projected number of enrollees for each academic year,
18 which shall be the primary factor in computing the annual proposed budget of
19 SUCs and, in the case of LUCs, the CHED for such purpose. This shall in turn
20 serve as the baseline during the preparation of the annual National Expenditure
21 Program (NEP) by the Department of Budget and Management (DBM).

22
23 **IN THE CASE OF LUCS, A SIMILAR SYSTEM OF SYSTEM OF BUDGETING**
24 **SHALL BE ADOPTED TO ENSURE THAT STUDENTS IN SAID**
25 **UNIVERSITIES AND COLLEGES SHALL ALSO BE COVERED BY THIS ACT.**
26 **IN THE CASE WHEN A LOCAL GOVERNMENT UNIT CANNOT FULLY**
27 **SUSTAIN THE FUNDING REQUIREMENTS FOR LUCS UNDER THEIR**
28 **SUPERVISION, A SPECIAL ALLOTMENT SHALL BE PROVIDED UNDER**
29 **THE LOCAL GOVERNMENT SUPPORT FUND IN THE GENERAL**
30 **APPROPRIATIONS ACT."**

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32 **SECTION 3.** Section 10 of the same act is amended to read as follows:

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34 **"Section 10.** *Quality Standard for SUC and LUC Budgets, TES and Student*
35 *Loan Programs.* - The CHED and the TESDA shall ensure **COVERAGE OF THE**
36 **TOTAL COST OF ATTENDANCE PER STUDENT AND** quality standards in the
37 review and consequent endorsement of the budget of the SUCs, LUCs and state-
38 run TVIs, respectively. The detailed design of the TES and student loan
39 programs shall also be subject to similar quality indicators defined by the
40 UniFAST Board."

41
42 **SECTION 4.** *Separability Clause.* - If any provision or part thereof is held invalid or
43 unconstitutional, the remainder of the law or the provision not otherwise affected shall
44 remain valid or subsisting.

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46 **SECTION 5.** *Repealing Clause.* - Republic Act No. 10931 is hereby amended
47 accordingly. All laws, decrees, executive orders and rules and regulations contrary to or
48 inconsistent with the provisions of this Act are hereby repealed or modified accordingly.
49

1 **SECTION 6. *Effectivity Clause.*** — This Act shall take effect fifteen (15) days after its
2 publication in the Official Gazette or in two (2) newspapers of general circulation.

Adopted,