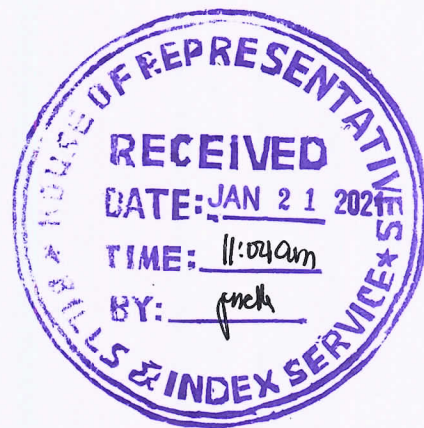




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8438

Introduced by CIBAC Party-List Representatives
EDUARDO "BRO. EDDIE" C. VILLANUEVA and DOMINGO C. RIVERA

AN ACT
PROHIBITING EDUCATION INSTITUTIONS FROM WITHHOLDING
THE OFFICIAL RECORDS OF STUDENTS BY REASON
OF NON-PAYMENT OF TUITION AND OTHER SCHOOL FEES,
AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Poverty has been one of the chief causes of uneducated Filipino children. Families who can no longer support their children's education often resort to transferring their children to other schools with fewer education expenses such as daily allowances and transportation costs, if not stop schooling. However, most schools do not release the students' official records if they cannot pay the school fees in full or fail to settle financial obligations with the school.

Unfortunately, this inability to secure the required school record forces the student to stop school altogether until he/she has enough funds to pay his/her outstanding obligations. This, in turn, results in a delay in the student's education, which further delays his/her entry into the labor force.

Under current rules of the Department of Education (DepEd),¹ transferees from public and private schools in the Philippines who failed to submit their school records during early registration or upon enrollment will only be enrolled temporarily until the submission of required documents on or before August 31st of the current year. Only upon complete submission of the documentary requirements will the learner be tagged as officially enrolled. Otherwise, the student will not be officially promoted to a higher grade level. The concerned student will also not be recognized if he/she attains the qualifying average and other criteria for academic honors.

This bill seeks to reinforce the State policy to provide education to our children and youth by ensuring that schools will not withhold their records because of non-payment of school fees. Under this bill, a student who has an unpaid balance from the school only needs to submit a promissory note to the school, committing to pay the outstanding amount within a reasonable period. This bill also seeks a balance between upholding the right of the youth to education and the right of school owners to reasonable returns on their investment.

Thus, the passage of this bill is earnestly sought.


HON. EDUARDO "BRO. EDDIE" C. VILLANUEVA


HON. DOMINGO C. RIVERA

¹ DepEd Order No. 03, s. 2018, Re: Basic Enrollment Policy (January 26, 2018).



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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-Withholding of Student*
2 *Records Act.*”

3
4 **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State to give
5 priority to education to foster patriotism and nationalism, accelerate social progress,
6 and promote total human liberation and development.

7
8 **SEC. 3. Unlawful Practice.** – It shall be unlawful for any education institution in the
9 country to withhold or otherwise cause, directly or indirectly, the delay in the release
10 of the official records of the students by reason of non-payment, in part or in full, of
11 tuition and/or other school fees.

12

1 **SEC. 4. Obligation of Students, Parents, and Guardians.** – Students who have
2 enrolled in any education institution who wish to obtain their academic records,
3 appropriate certifications or other pertinent documents for whatever purpose, but are
4 financially-incapable to settle, in part or in full, their tuition and/or other school fees,
5 shall be allowed to obtain their academic records, appropriate certifications or other
6 pertinent documents upon the execution of a promissory note or other equivalent
7 document in favor of the school covering the unpaid obligation.

8
9 The promissory note, which shall indicate the purpose of obtaining the
10 academic records, appropriate certifications or other pertinent documents from the
11 education institution, may be signed and executed solely by the student if such student
12 is 21 years or older. If the student is above 18 years old but below 21 years old, the
13 promissory note shall be signed and executed by the student, coupled with the written
14 conformity of the parents guaranteeing the performance of the obligation of the student
15 with regard to any unpaid obligations to the education institution. If the student is a
16 minor, the promissory note shall be signed and executed by at least one of the parents
17 or the legal guardian of the student. Provided, That nothing herein shall prohibit the
18 parties from agreeing to release the school records and other documents of the
19 student without any promissory note or similar document.

20
21 **SEC. 4. Penalties.** – Any officer or employee of the education institution responsible
22 for releasing the official records of the students who violates any provisions of this Act
23 shall be punished with a fine of not less than Ten Thousand Pesos (Php10,000.00)
24 but not more than Fifty Thousand Pesos (Php50,000.00) or imprisonment on not less
25 than one (1) month but not more than six (6) months, or both, at the discretion of the
26 Court.

27
28 Any education institution found to have violated provisions of this Act shall be
29 administratively punished with suspension or cancellation of its permit to operate by
30 the Department of Education (DepEd), the Technical Education and Skills
31 Development Authority (TESDA), or the Commission on Higher Education (CHED)
32 and pay an administrative fine of not less than Fifty Thousand Pesos (Php50,000.00)
33 but not more than One Hundred Thousand Pesos (Php100,000.00)

1 **SEC. 5. Implementing Rules and Regulations.** – DepEd, TESDA, and CHED, in
2 coordination with relevant agencies and sectors, shall promulgate the implementing
3 rules and regulations as may be necessary to carry out the provisions of this Act.

4
5 **SEC. 6. Separability Clause.** – If any portion or provision of this Act is subsequently
6 declared invalid or unconstitutional, other provisions hereof which are not affected
7 thereby shall remain in full force and effect.

8
9 **SEC. 7. Repealing Clause.** – All other laws, acts, presidential decrees, executive
10 orders, presidential proclamations, issuances, rules and regulations, or parts thereof
11 which are contrary to or inconsistent with any of the provisions of this Act are hereby
12 repealed, amended, or modified accordingly.

13
14 **SEC. 8. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in
15 the Official Gazette or in a newspaper of general circulation.

16
17 Approved,