

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session



**HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 5216**

Introduced by **REPRESENTATIVE VIRGILIO S. LACSON**

EXPLANATORY NOTE

The State's duty to provide access to quality education is of primordial importance. The status of our education system determines the fate of the nation. Even in the 1987 Constitution, provisions on its development and regulation are included.

Article XIV Section 4 provides that the State recognizes the complementary roles of public and private institutions in the educational system. It shall exercise reasonable supervision and regulation of all educational institutions. This provision makes it clear that while private institutions play an important role in the Education sector, they do not have unbridled authority on how they conduct their affairs. The State has the duty to balance the welfare of students and the interest of the private sector.

Reports have surfaced saying that some students cannot transfer to other schools because of their current schools' refusal to release official school documents due to non-payment. This policy fails to consider the many factors that parents and students consider in their choice of school, for instance, proximity to residence, changes in the family dynamics, personal relationship of students with their peers and teachers, among others.

This bill aims to prohibit education institutions from withholding the official records of students because of non-payment of tuition and other school fees, and to penalize those who continue the practice. This bill aims to protect the welfare of our students, which must always be given primary importance.

In view of the foregoing, the passage of this bill is earnestly sought.

VIRGILIO S. LACSON
Manila Teachers Party-list

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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

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.*"

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

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

SEC. 4. Obligation of Students, Parents, and Guardians. - Students who have enrolled in any education institution who wish to obtain their academic records, appropriate certifications or other pertinent documents for whatever purpose, but are financially-incapable to settle, in part or in full, their tuition and/or other school fees, shall be allowed to obtain their academic records, appropriate certifications or other pertinent documents upon the execution of

V. Lacson

a promissory note or other equivalent document in favor of the school covering the unpaid obligation.

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

SEC. 4. Penalties. - Any officer or employee of the education institution responsible for releasing the official records of the students who violates any provisions of this Act shall be punished with a fine of not less than Ten Thousand Pesos (PHP 10,000.00) but not more than Fifty Thousand Pesos (PHP 50,000.00) or imprisonment on not less than one (1) month but not more than six (6) months, or both, at the discretion of the Court.

Any education institution found to have violated provisions of this Act shall be administratively punished with suspension or cancellation of its permit to operate by the Department of Education (DepEd), the Technical Education and Skills Development Authority (TESDA), or the Commission on Higher Education (CHED) and pay an administrative fine of not less than Fifty Thousand Pesos (PHP 50,000.00) but not more than One Hundred Thousand Pesos (PHP 100,000.00).

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

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

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

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

Approved,

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