

SIXTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

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SENATE

S. No. 1896

RECEIVED BY: *Ji*

Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

Our Constitution provides that the State shall give priority to education to accelerate social progress and promote total human development. It is the duty of our government to protect and promote the right of all citizens to quality education thus it would be to the public's benefit interest if appropriate measures are undertaken to make education accessible to all.

During the second quarter of 2013, reports showed that more than 300 higher education institutions and roughly 500 private elementary and high schools were permitted to raise their tuition fees. Such increase in tuition fees inevitably results in difficulty and stress on families because of the amplified complexity that is met when sending children to school.

Only in March of 2013, the effect on students of stress resulting from educational costs was highlighted when a University of the Philippines student took her life. In response, the Philippine Association of State Universities and Colleges (PASUC) approved a moratorium on any increase of tuition fees or other miscellaneous fees. The interest of our youth and of our students should be utmost in our consideration of educational policies.

The proposed measure seeks to impose a three (3) year moratorium on all kinds of fee increase whether it be tuition or other school fees. By the end of the three-year moratorium, private schools will be allowed to increase their tuition fees at a rate not higher than the current inflation rate of the country. It is hoped that the three-year moratorium on all fees in all private educational institutions will provide relief to the overburdened Filipino people.

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


MANUEL "LITO" M. LAPID
Senator *MLR*



13 NOV -4 19:22

SENATE

S. No. 1896

RECEIVED BY: *[Signature]*

Introduced by Senator Manuel "Lito" M. Lapid

AN ACT

AMENDING SECTION 42 OF BATAS PAMBANSA BLG. 232, OTHERWISE KNOWN AS THE "EDUCATION ACT OF 1982", BY IMPOSING A THREE-YEAR MORATORIUM ON TUITION AND OTHER SCHOOL FEE INCREASE ON ALL EDUCATIONAL INSTITUTIONS AND STIPULATING THEREAFTER THAT TUITION AND OTHER SCHOOL FEE INCREASE SHOULD NOT BE RAISED BEYOND THE CURRENT INFLATION RATE OF THE COUNTRY AND FOR OTHER PURPOSES

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

1 **SECTION 1. Short Title.** - This Act shall be known as the "*School Fees*
2 *Regulation Act of 2013*".

3 **SEC. 2. Declaration of Basic Policy.** - It is the policy of the State to
4 promote quality education that is accessible to all and to establish, maintain, and
5 support a complete, adequate, and integrated education system, relevant to the needs of
6 the Filipino people.

7 **SEC. 3.** Section 42, Chapter 5 of Batas Pambansa Blg. 232, otherwise
8 known as the "Education Act of 1982", is hereby amended to read as follows:

9 **Section 42 (A).** *Tuition and Other Fees* – **THE DEPARTMENT**
10 **OF EDUCATION (DEPED), COMMISSION ON HIGHER EDUCATION**
11 **(CHED), AND TECHNICAL EDUCATION AND SKILLS AUTHORITY**
12 **(TESDA) ARE HEREBY MANDATED TO IMPOSE A THREE-YEAR**
13 **MORATORIUM ON ANY SCHOOL FEE INCREASE, WHETHER IT BE**
14 **TUITION OR SUCH OTHER MISCELLANEOUS SCHOOL FEES ON**
15 **ALL PRIVATE EDUCATIONAL INSTITUTIONS.**

1 **THEREAFTER**, each private school shall **BE ALLOWED TO**
2 **INCREASE THE** [determine its] rate of tuition and other school fees or
3 charges, **PROVIDED**, **THAT SUCH INCREASE SHALL IN NO CASE**
4 **EXCEED THE CURRENT INFLATION RATE OF THE COUNTRY, AS**
5 **OFFICIALLY DETERMINED BY THE NATIONAL ECONOMIC**
6 **DEVELOPMENT AUTHORITY (NEDA).** The rates and charges adopted
7 by schools pursuant to this provision shall be collectible, and their
8 application or use authorized, subject to rules and regulations
9 promulgated by the [Ministry] **DEPARTMENT** of Education[,] (**DEPED**)
10 [Culture and Sports].

11 **SECTION 42 (B). EXEMPTIONS. – A PRIVATE EDUCATIONAL**
12 **INSTITUTION MAY APPLY FOR AN INCREASE IN TUITION OR**
13 **OTHER SCHOOL FEES, FOLLOWING EXISTING RULES AND**
14 **GUIDELINES IMPLEMENTED BY THE DEPED, CHED, AND TESDA,**
15 **PROVIDED IT HAS POSTED NO NET PROFIT OR INCURRED LOSSES**
16 **ON THE YEAR PRECEDING THE APPLICATION FOR FEE INCREASE**
17 **ACCORDING TO ITS DECLARATION OF ASSETS, INCOME, AND**
18 **LIABILITIES, A COPY OF WHICH SHOULD BE FILED TOGETHER**
19 **WITH THE APPLICATION FOR EXEMPTION.**

20 **SECTION 42 (C). PENALTY CLAUSE. - ANY EDUCATIONAL**
21 **INSTITUTION FOUND IN VIOLATION OF SECTION 42 (A) AND**
22 **SECTION 42 (B) OF THIS ACT SHALL BE PUNISHED WITH A FINE OF**
23 **NOT LESS THAN PHP 100,000 PESOS AND NOT MORE THAN PHP**
24 **1,000,000 PESOS OR IMPRISONMENT OF NOT MORE THAN SIX (6)**
25 **YEARS OR BOTH, AT THE DISCRETION OF THE COURT.**

26 **MISREPRESENTATION OR MISDECLARATION OF ASSETS,**
27 **INCOMES AND LIABILITIES SHALL BE PRIMA FACIE EVIDENCE OF**
28 **A VIOLATION OF SECTION 42 (A) AND SECTION 42 (B) OF THIS ACT.**

29 **SEC. 4.** All words referring to the "Ministry of Education, Culture and
30 Sports", as used in Batas Pambansa Blg. 232, are now amended to read as
31 "Department of Education (DepEd)".

32 **SEC. 5. Implementing Rules and Regulations (IRR).** – Within 90 days
33 from the date of effectivity of this Act, the Department of Education (DepEd), in
34 consultation with the Commission on Higher Education (CHED) and Technical

1 Education and Skills Authority (TESDA), shall formulate such rules and regulations
2 necessary to implement the provisions of this Act.

3 **SEC. 6. *Repealing Clause.*** – All laws, presidential decrees, executive
4 orders, rules and regulations, or parts thereof, inconsistent with the provisions of this
5 Act are hereby repealed or modified accordingly.

6 **SEC. 7. *Separability Clause.*** – Should any part or provision of this Act be
7 held unconstitutional or invalid; the other provisions not otherwise affected shall
8 continue to be in full force and effect.

9 **SEC. 8. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days
10 after its publication to two (2) newspapers of general circulation.

Approved,