

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

5 FEB -3 AM 25

SENATE
S.B. No. 1905 RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 14, Section 4, paragraph 1, provides:

The State recognizes the complementary roles of public and private institutions in the educational system and shall exercise reasonable supervision and regulation of all educational institutions.

Under Section 42 of BP Blg. 232, otherwise known as Education Act of 1982, private learning institutions are free to determine their tuition and miscellaneous fees. However, tuition fees in colleges are subject to consultation with their student councils/governments, faculty, alumni, and/or non-teaching personnel associations. In the absence of a student council/government, the student organizations and societies recognized by it shall select not more than ten (10) representatives who will participate in the consultation (*Section 1 of CHED Memorandum Order No. 13 series of 1998, and in pursuant to Section 18 of R.A. No. 7722, otherwise known as Higher Education Act of 1994, where the power of Department of Education on tertiary education, including the authority given by Section 57, par.3 and Section 70 of BP Blg. 232, and the power vested by Presidential Decree No. 451 authorizing the Secretary of Education to regulate imposition of tuition and other fees*).

Unfortunately, such consultations have become mere formalities because in reality, the process only involves the presentation of the planned increases and nothing more, thus defeating the essence for which consultations are conducted, which is to arrive at a consensus on the necessity and practicability of such hikes.

Since the said memorandum pertains only to tuition fees, the colleges and universities circumvent the law by increasing their miscellaneous and/or adding other fees without proper consultation with their student councils/governments, parents, faculty, and alumni.


Students have the right to know and be consulted on what they are paying for. This bill seeks to provide that all educational institutions, whether public or private, shall hold mandatory consultation with their student councils/governments, parents or guardians, alumni, faculty, and other non-teaching personnel associations, before increasing and/or adding miscellaneous fees, other fees, and paid services.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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5 FEB -3 11:25

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AN ACT

PROVIDING THAT ALL EDUCATIONAL INSTITUTION, WHETHER PUBLIC OR PRIVATE, SHALL HOLD MANDATORY CONSULTATION WITH STUDENTS, PARENTS OR GUARDIANS, ALUMNI, TEACHERS, AND OTHER NON-TEACHING PERSONNEL ASSOCIATIONS, BEFORE INCREASING AND/OR ADDING MISCELLANEOUS FEES, OTHER FEES, AND PAID SERVICES

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 "Miscellaneous and Other Fees Consultation Act of 2005."

SECTION 2. *Declaration of Policy.* - It is the policy of the state to exercise reasonable supervision and regulation of all educational institutions.

SECTION 3. *Definition of Terms.* - as used in this Act, the term:

(1) "Student" - refers to any person enrolled in elementary, high school, center, tertiary, graduate, and post graduate levels.

(2) "Tuition fee" - refers to the direct cost of:

- (a) instruction,
- (b) training,
- (c) the use of school activities,
- (d) and other related activities.

(3) "Miscellaneous" - refer to fees which cover other necessary cost supportive of instruction, including but not limited to medical and dental, athletic, library, laboratory, and National Service Training Program (NSTP) or Reserved Officers Training Corps (ROTC).

(4) "Other fees" – refer to additional fees imposed by the school, center, and the HEI which are not included in the "miscellaneous fees".

(5) "School" – refers to elementary and high school.

(6) "Higher Education Institution or HEI" – refers to colleges and universities.

(7) "Center" – refers to learning centers that grant short-term courses.

(8) "Short-Term Courses" – courses offered for a duration of not greater than two (2) years but not less than six (6) months.

(9) "DepEd" – refers to the Department of Education.

(10) "CHED" – refers to the Commission on Higher Education.

(11) "TESDA" – refers to the Technical Education and Skills Development Authority.

(12) "Private Schools" – refers to those owned and operated by an individual or group of individuals distinct from the government.

(13) "Public Schools" – refers to those owned, controlled, and operated by the government.

SECTION 4. Consultation Requirement for School. – All Schools intending to increase their miscellaneous, and/or other fees, or add other paid services, which will result to other fees, for the ensuing School Year (SY) or Academic Year (AY), before submitting to the DepEd other required documents and notices, must hold mandatory consultation with their student councils/governments, parents or guardians, alumni, teachers, and non-teaching personnel associations. In the absence of a student council/government in an educational institution, the student organizations and societies recognized by the School, shall select not more than ten (10) representatives who will participate in the consultation.

SECTION 5. *Consultation Requirement for HEI.* – All Higher Education Institutions intending to increase their miscellaneous, and/or other fees, or add other paid services, which will result to other fees, for the ensuing Semester, School Year (SY) or Academic Year (AY), before submitting to the CHED other required documents and notices, must hold mandatory consultation with their student councils/governments, alumni, teachers, and non-teaching personnel associations. In the absence of a student council/government in HEI, the student organizations and societies recognized by the School, shall select not more than ten (10) representatives who will participate in the consultation.

SECTION 6. *Consultation Requirement for Center.* – All Centers intending to increase their miscellaneous, and/or other fees, or add other paid services, which will result to other fees, for the ensuing Semester, School Year (SY) or Academic Year (AY), before submitting to the TESDA other required documents and notices, must hold mandatory consultation with their student councils/governments, instructors, and non-teaching personnel associations. In the absence of a student council/government in Center, the student organizations and societies recognized by the Center, or in the absence of any student organizations, at least ten (10) student-representatives who will participate in the consultation.

SECTION 7. *Implementing Rules and Regulations.* – The DepEd, CHED, and TESDA are hereby authorized to promulgate the necessary rules and regulations for the effective implementation of this Act within thirty (30) days upon its approval.

SECTION 8. *Deadlock.* – In case no consensus have reached, the DepEd, CHED, and TESDA are hereby authorized to decide whether the intending increase or additional fee or paid services is meritorious but will not bar either party to seek remedy from the Court when there is less or grave abuse of discretion.

SECTION 9. *Sanctions.* – In case of violation of this Act and the rules and regulations for the effective implementation of this Act, the DepEd, CHED, and TESDA are hereby authorized to restrain and fine the School, HEI, and the Center, and cancel its application for miscellaneous and/or other fee increase, and/or application for adding other paid services, without prejudice to the filing of the administrative and criminal charges against the school and/or responsible officers under existing laws.

SECTION 10. *Scholarship Fund.* – The fine to be imposed by the DepED, CHED, and TESDA shall be constituted as a scholarship fund under a program to be established by the DepEd, CHED, and TESDA.

SECTION 11. *Separability Clause.* – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain valid and subsisting.

SECTION 12. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 13. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

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