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SENATE
S. No. **1939**

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 14, Section 1, provides that:

The State shall protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all.

With regard to public elementary and high school education, it provides in Article 14, Section 2 that:

The State shall:

(2) Establish and maintain a system of free public education in the elementary and high school levels. Without limiting the natural rights of parents to rear their children, elementary education is compulsory for all children of school age;

Even though there is a constitutional declaration as regards free public elementary and high school education, there have been various reports that there are some public school teachers and principals who still refuse to admit students, release cards and other documents for clearance purposes in public schools for failure of the students to pay miscellaneous and other fees. Although the Department of Education has already issued various department orders reiterating such policy, it seems like some teachers are not afraid of the administrative consequences for violating the Department of Education's order.

Therefore, in order to ensure that we have a truly free public elementary and high school education, there should be law which would effectively deter teachers and principals from refusing to admit students, release cards and other documents for clearance purposes based on the sole ground of non-payment of miscellaneous and other fees.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed in the Thirteenth Congress, Third Regular Session.

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

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1 AN ACT
2 PENALIZING REFUSAL TO ENROLL STUDENTS, RELEASE CARDS AND OTHER
3 DOCUMENTS FOR CLEARANCE PURPOSES, IN PUBLIC SCHOOLS
4 FOR FAILURE TO PAY MISCELLANEOUS AND OTHER FEES

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

5 SECTION 1. *Short Title.* - This Act shall be known as the "Anti-Student Extortion Act."

6 SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the State to
7 establish and maintain a system of free public education in the elementary and high school
8 levels. This Act aims to pursue this policy by penalizing teachers and principals who refuse to
9 admit students, release cards and other documents for clearance purposes for non-payment of
10 miscellaneous and other fees.

11 SECTION 3. *Offense.* - Any public school teacher, principal or agent of such public
12 teachers and principals who shall require for admission or for the release of report cards, and test
13 results, and for other clearance purposes, the payment of miscellaneous and other fees shall be
14 guilty of student extortion.

15 SECTION 4. *Penalties.* - Any person who commits the unlawful act enumerated in the
16 next preceding section shall be punished with imprisonment of not less than six (6) months and
17 not more than one (1) year or a fine of not less than five thousand (P5,000.00) pesos nor more
18 than ten thousand (P10,000.00) pesos or both, at the discretion of the court.

19 SECTION 5. *Separability Clause.* - If any provision or part thereof, is held invalid or
20 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
21 valid and subsisting.

1 SECTION 6. *Repealing Clause.* - Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent
3 with, the provisions of this Act is hereby repealed, modified or amended accordingly.

4 SECTION 7. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
5 publication in at least two (2) newspapers of general circulation.

6 Approved,

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